

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.21/299/2018

Date of Order: 13.06.2019

Between:

S.N.V.A.S.R.K. Prasad,
S/o. late Sri S. Siddappa,
(Ex. Office Assistant, Suryapet D.O.)
Age 32 years, R/o. H. No. 3-6-55,
Near MRO Office, Suryapet – 508 213.

... Applicant

And

1. The Union of India, Rep. by its Secretary,
Ministry of Communications & I.T.,
New Delhi – 110 001.
2. The Chief Postmaster General,
Telangana Circle, Hyderabad – 500 001.
3. The Superintendent of Post Offices,
Suryapet Division, Suryapet – 508 213.

... Respondents

Counsel for the Applicant ... Mr. M. Venkanna

Counsel for the Respondents ... Mr.A. Radhakrishna,
Sr. PC for CG

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. OA is filed challenging the rejection of the request for compassionate appointment.
3. Applicant's father passed away in harness on 15.8.2013 while working for the respondents organisation as Office Assistant.

Application was made for compassionate appointment as Postal Asst. which was rejected on 12.8.2015. Aggrieved the OA is filed.

4. Contentions of the applicant are that the respondents did not give any reasons for rejecting his request. Case of the applicant could be considered in the subsequent Circle Relaxation Committee meeting as there is no limit for considering the case. Terminal benefits received were used to pay debts. Similarly placed persons were considered and appointed.

5. Heard both the counsel and perused documents placed on record.

6. The impugned order issued reads as under:

“Your case has been examined by the Circle Relaxation Committee and rejected for compassionate appointment to the post of Postal Assistant.”

The impugned order should be a speaking and a reasoned order. It should contain details as to why he was not considered and as to whether it was considered on merit and rejected or for lack of vacancy. Besides, details of others selected to be revealed so that the decision is transparent and objective. As per Right to Information Act, such details need to be communicated. Absence of such information will lead to grievance galore and which is exactly the reason for the present OA to crop up. A reasoned order is the *sine qua non* of the decision making process. A speaking and reasoned order has to indicate the context, contention, consideration and the conclusion. Excepting the last element, the other 3 elements are missing in the impugned order. Such orders are invalid in

the eyes of law as observed by the Hon'ble High Court of Jharkhand in *Jit Lal Ray v. State of Jharkhand*, WP(C) No. 469 of 2019, decided on 26-04-2019 as under:

“It is settled position of law that a decision without any reason will be said to be not sustainable in the eyes of law, because the order in absence of any reason, also amounts to the violation of the principles of natural justice.”

Rules and law on the subject do not prevent the case of the applicant to be considered once again in view of the infirmity of the impugned order. The case of the applicant was considered only once in the past. Applicant claims, he is living in indigent circumstances. In all fairness, it requires reconsideration.

7. Hence keeping the above facts in view, submissions of the counsel and the legal principle specified by the Hon'ble High Court of Jharkhand, interests of justice would be met by directing the respondents to reconsider the case of the applicant for compassionate appointment in 3 months from the date of receipt of this order and issue a speaking and reasoned order.

8. With the above directions, the OA is disposed of with no order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

Dated, the 13th day of June, 2019
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