

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

Original Application No.21/291/2017

Date of Order: 23.07.2019

Between:

Gajjela Arun Kumar
S/o Late G. Madhukar
GDSCMC Ityala B.O.
A/w. Rechini S.O.504273
ADILABAD District.

.... Applicant

AND

1. The Union of India Rep. by its Secretary
Ministry of Communications & I.T
Department of Posts – India
Dak Bhavan, Sansad Marg
New Delhi – 110 001.
2. The Chief Postmaster General
Telangana Circle
Vijayawada – 520 013.
3. The Superintendent of Post Offices
Adilabad Division
ADILABAD.

... Respondents

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

Counsel for the Respondents...Mr.Laxman for Mrs. K. Rajitha, Sr. CGSC

CORAM:

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

ORAL ORDER

2. The OA is filed for rejecting the request of the Applicant for Compassionate Appointment.

3. Brief facts of the case are that the father of the applicant died in harness on 28.11.2015 while working for the respondents organisation as Grameen Dak Sewak. On the demise of his father, applicant sought compassionate appointment which was rejected on 26.8.2016. Aggrieved over the same, OA is filed.

4. The contention of the applicant is that the allotment of marks to different attributes for assessing indigent circumstances is not scientific and that even the allotment of marks in respect of the applicant are erroneous.

5. Respondents in their reply statement stated that the applicant got 28 points against 36 required as per the relevant guidelines and, hence, his request was rejected. The respondents have explained as to how the points have been allotted for each attribute. Respondents cited Hon'ble Supreme Court judgment observation in **MGB Gramin Bank v Chakrawartti Singh** (Civil Appeal No.6348/2013 dated 7.8.2013) in support of their contention.

6. Heard both the counsel and perused the pleadings on record.

7. I) Applicant has submitted that the allotment of marks to different attributes is unscientific. Respondents after a detailed study have arrived at the points to be allotted as a matter of policy. Matters of policy are not to be interfered with, unless the policy is patently malafied. The Tribunal finds that the system of allotment of marks is objective and transparent. Hence, the contention of the applicant that the system is unscientific is untenable. Respondents did also explain as to how the marks have been allotted attribute wise. Applicant got 28 points against 36 required. Therefore, his case was rejected.

II) However, while rejecting his request, respondents have issued an impugned order dated 26.8.2018 which is cryptic. It is neither a speaking nor a reasoned order. A speaking order need to speak about the context, contention, consideration and the conclusion. Except conclusion the rest of the elements are missing. Besides, marks obtained by others who were considered along with the applicant and the marks obtained by him attribute wise do not find a place in the impugned order. Presenting details referred to, would make the selection transparent and objective. With the dawn of RTI, such disclosures are a must in matters of Public importance like selections and appointments.

III) Further, an order which is not reasoned is a lifeless order. Reasons when given will help the receiver of the order to understand the mind of the decision maker. Hon'ble Supreme Court observation, which is pertinent to the case, is hereunder reproduced emphasizing the need for a reasoned order and if not issued the consequences thereof:

- i) **Ram Phal v. State of Haryana & Others**, (2009) 3 SCC 258 has stated:

“6. The duty to give reasons for coming to a decision is of decisive importance which cannot be lawfully disregarded. The giving of the satisfactory reasons is required by the ordinary man's sense of justice and also a healthy discipline for all those who exercise power over others. This Court in **Raj Kishore Jha v. State of Bihar** [(2003) 11 SCC 519] has stated:

“19. ... Reason is the heartbeat of every conclusion. Without the same, it becomes lifeless.”

Thus, the impugned order issued by the respondents is a lifeless order. Hence, it is invalid in the eyes of law.

III) Respondents have relied upon the Judgement of the Hon'ble Supreme Court and stated that the compassionate appointment cannot be sought as a matter of right. However, applicant's right to be considered cannot be denied. Besides, in the same judgment, it was observed that the new scheme in regard to compassionate appointment

has to be applied for selection and not the one prevailing at the time of the death of the employee.

IV) In view of the above, as the action of the respondents is against the legal principle laid down in catena of Judgements by the Hon'ble Apex Court, the impugned order dated 26.08.2016 is set aside. Concomitantly, respondents are directed to reconsider the case of the applicant for compassionate appointment based on the latest guidelines on the matter and pass a speaking and well reasoned order. Time allowed is 3 months from the date of receipt of this order. No order as to costs.

With the above direction, the OA is allowed.

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

Dated, the 23rd day of July, 2019

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