

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

Original Application No.20/728/2014

Date of Order: 14.11.2019

Between:



K. Manjunath Reddy,
S/o. late K. Yella Reddy,
Ex. GDS BPM, Markattu BO, A/w. Aluru SO,
Aged about 30 years,
R/o. H. No. 1-4, Markattu Village & BO,
a/w. Aluru SO – 518395,
Adoni HO, Kurnool Division. ...Applicant

AND

1. Union of India,
Represented by its Secretary,
Government of India,
Ministry of Communications & IT,
Department of Posts - India,
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.
2. The Chief Postmaster General,
A. P. Circle, Dak Sadan, Abids,
Hyderabad – 500 001.
3. The Superintendent of Post Offices,
Kurnool Division,
Kurnool– 518001.

... Respondents

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

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

CORAM:

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

ORAL ORDER
{As per B.V. Sudhakar, Member (Admn.)}



2. The OA is filed challenging the rejection the request for compassionate appointment.
3. Brief facts are that the father of the applicant died while working for the respondents organisation as Grameen Dak Sewak Branch Post Master in 2011. Applicant preferred an application for Compassionate appointment which was rejected on 27.5.2013. Aggrieved applicant filed OA 934 of 2013 wherein respondents were directed to reconsider the case of the applicant on 13.3.2014. Accordingly respondents reconsidered and rejected the request vide impugned order dated 3.6.2014. Aggrieved the OA has been filed.
4. The contentions of the applicant are that the terminal benefits received have been used to repay debts incurred by the family. Applicants name should have been kept in the waiting list for 3 years. Similarly situated persons and in less indigent circumstances were considered for compassionate appointment. The awarding of points to the attributes is unscientific.
5. Respondents in their reply statement have stated that the terminal benefits released to the deceased employee's family is Rs 1,57,355. Applicant claimed that his father took loans to the extent of Rs 4,71,310. The request for compassionate appointment was rejected on the grounds that the applicant got 29 points against 51 minimum points required.

Consequently applicant filed OA 934/2013 and as per directions therein the case of the applicant was reconsidered and rejected on 3.6.2014 as there were no new circumstances to reconsider the case. The allegation that the allocation of points to various attributes is unscientific is not true. There was no discrimination and that the request was examined based on the indigent circumstances in which the applicant family was placed. Respondents have cited the judgment of the Hon'ble Supreme Court in MGB Gramin Bank vs Chakravarthi Singh in support of their contentions.

6. Heard both the counsel and perused the pleadings on record.
7. I) In order to resolve the dispute the order of the Tribunal in OA 934/2013 dated 13.3.2014, need to be perused, wherein it was directed to reconsider the case of the applicant as per rules and instructions on the subject. The competent authority to reconsider the case of the applicant is the Circle Relaxation Committee. Without placing the case before the Committee the impugned Order dated 3.6.2014 was issued stating the points received by the applicant. Hence the impugned order is invalid as it contravenes the order of the Tribunal. The new circumstance that arose was the order of the Tribunal directing to reconsider the case which was not reckoned by the respondents as it ought to be. Any court order has to be complied, if not challenged and got reversed, as per the Hon'ble Supreme Court observation in ***The Commissioner, Karnataka ... vs C. Muddaiah on 7 September, 2007 in Appeal (civil) 4108 of 2007, as under:***

31. We are of the considered opinion that once a direction is issued by a competent Court, it has to be obeyed and implemented without any reservation. If an order passed by a Court of Law is not complied with or is ignored, there will be an end of Rule of Law. If a party against whom



such order is made has grievance, the only remedy available to him is to challenge the order by taking appropriate proceedings known to law. But it cannot be made ineffective by not complying with the directions on a specious plea that no such directions could have been issued by the Court. In our judgment, upholding of such argument would result in chaos and confusion and would seriously affect and impair administration of justice. The argument of the Board, therefore, has no force and must be rejected.



Thus the action of the respondents in rejecting the case vide the impugned order is against the basic tenets of law. It is contumacious and contemptuous of the court. Respondents need to properly read the judgments and understand the import of the same before complying with the Tribunal order. Otherwise they are liable to be questioned on grounds of the contempt of the Court. First respondent may like to advise those down the line appropriately in the matter.

II) Respondents cited the judgment of the Hon'ble Supreme Court in MGB Gramin Bank vs Chakravarthi Singh wherein it was laid down that appointment cannot be sought as a matter of right. Applicant is not seeking compassionate appointment not as a matter of right, but he is before the respondents to consider his case, which cannot be denied as per law. The respondents have not considered the case of the applicant by not placing it before the competent Circle Relaxation Committee. Hence, the cited case is not relevant to the present issue.

II) Therefore, keeping the above in view the impugned order is quashed. Consequently, respondents are directed to reconsider the case of the applicant by placing it before the competent Committee as per the rules prevailing on the date of the reconsideration and issue a speaking as well as

reasoned order, within a period of 3 months from the date of receipt of this order.

III) With the above direction the OA is allowed, with no order as to costs.



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

Dated, the 14th day of November, 2019

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