

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

**Original Application No.020/0832/2019
Date of Order : 16.10.2019**

Between :

1. Smt.M.Vannuramma, W/o Late M.Obdulaiah, Gr 'C', aged 55 years, (Ex-GDS/BPM), Kattalomdapalli B.O., A/w Vajrakarur S.O., Ananthapur Division, Ananthapur District.
2. M.Adiseshaiyah, S/o Late M.Obdulaiah, aged 38 years, working as Substitute GDS/BPM, (Ex-GDS/BPM), Kattakindapalli B.O., A/w Vajrakarur S.O., Ananthapur Division, Ananthapur District. ... Applicant.

And

1. Union of India, Rep. by its the Director General, Posts, Department of Posts, Dak Bhavan, Sansad Marg, New Delhi.
2. The Chief Postmaster General, A.P.Circle, Vijayawada.
3. The Postmaster General, Kurnool Region, Kurnool – 518002.
4. The Superintendent of Post Offices, Ananthapur Division, Ananthapur District – 515 001. ... Respondents.

Counsel for the Applicant ... Mr.G.Jayaprakash Babu, Advocate
Counsel for the Respondents ... Mrs.L.Pranathi Reddy, Addl.CGSC

CORAM:

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

ORAL ORDER

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

The OA has been filed for not disposing the representation of the applicants dated 16.03.2019.

2. Brief facts of the case are that the second applicant's father died while working as GDS Branch Postmaster in the respondents organization on 30.09.2013. Being in indigent circumstances, first applicant requested the respondents to provide compassionate appointment to second applicant who is her son by submitting relevant documents. Respondents rejected the request for compassionate appointment on 18.02.2015 as the points secured by the second applicant were less than 51. Aggrieved by the rejection applicants filed OA.375 of 2015 wherein the respondents were directed to consider the case of the second applicant for compassionate appointment vide latest guidelines of compassionate appointment dated 14.01.2015 of the respondents. Respondents accordingly considered and rejected the request of the second applicant on 23.01.2018. Consequently the applicants have filed the present OA. The contentions of the applicants are that the speaking order dated 23.01.2018 is a reiteration of the earlier order issued on 18.02.2015. Respondents have not considered the representation of the applicants dated 16.03.2019 and the orders passed by this Tribunal in OA.375 of 2015 dated 11.08.2017. Therefore, the impugned order is not a speaking order.

3. Heard Mr.G.Jaya Prakash Babu, learned counsel for the applicants and Mrs.L.Pranathi Reddy, learned standing counsel for the respondents.

4. The request of the applicants was adjudicated by this Tribunal in OA.375 of 2015 wherein the respondents were directed to consider the case of the second applicant based on the latest guidelines of compassionate appointment on 14.01.2015. The grievance of the applicants as recorded at para-9 of the Tribunal order is as under :

9.As the case of the applicants was considered on 09.02.2015, the respondents ought not to have ignored the directions of the Directorate of Posts dated 14.01.2015 according to which a married son is to be treated as a dependent. Thus, if 03 more points are awarded on this ground the 2nd applicant would have secured 36 points which has been fixed as the bench mark for determining for compassionate appointment."

5. As can be seen from the above, respondents were expected to add three points which the second applicant was eligible to get as per the relevant rules of the respondents organization. While issuing the impugned order dated 23.01.2018 this aspect was not touched upon by the respondents, which indeed is critical for deciding the request of the second applicant. Hence the impugned order having not dealt with the grievance of the applicants would have to be considered as an unreasoned order and an unreasoned order is invalid as per law.

6. After hearing both the counsels, it would be fair and just to direct the respondents to dispose of the representation of the applicants dated 16.03.2019

wherein he has made a request for appointment on compassionate grounds by keeping in view the extant rules and regulations governing compassionate appointment by issuing a reasoned and speaking order within a period of 12 weeks from the date of receipt of a copy of this order.

7. The OA is disposed of accordingly. There shall be no order as to costs.

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

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