

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

O.A. No.021/00075/2016

Date of Order : 28.12.2018.

Between :

P.Kalavatamma, w/o late P.Rajeswar Reddy,
(Ex.GDS BPM, Mohammadapuram B.O.),
Aged about 49 yrs, r/o Mohammadapuram Village
& Post, Panagal Mandal, Mahabubnagar District.

...Applicant

And

1. The Union of India, rep., by its Secretary,
Govt. of India, M/o Communications and IT,
Dept. Of Posts – India, Dak Bhavan, Sansad Marg,
New Delhi-110 001.

2. The Chief Postmaster General,
A.P.Circle, Abids, Hyderabad-500 001.

3. The Director of Postal Services,
Hyderabad Region, O/o the Postmaster General,
Hyderabad Region, Hyderabad-500 001.

4. The Superintendent of Post Offices,
Wanaparthy Division, Wanaparthy-509 103.

... Respondents

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

Counsel for the Respondents ... Mrs.B.Gayatri Varma, Sr.PC for CG

CORAM:

THE HON'BLE MRS.NAINI JAYASEELAN, MEMBER (ADMN.)

ORDER

(As per Hon'ble Mrs.Naini Jayaseelan, Member (Admn.))

The Brief facts of the case:

The applicant's husband late Sri P.Rajeshwar Reddy while working as Branch Postmaster was placed under put off duty, vide 4th respondent memo No.4-2/B/2011-12, dated 3.1.2012. The applicant's husband died on 01.09.2014. The disciplinary proceedings initiated against the applicant's husband stood abated due to his death on 01.09.2014. The applicant subsequently made an application for compassionate appointment as Gramin Dak Sevak Branch Postmaster (GDS BPM) in lieu of her late husband.

2. While exgratia amount of Rs.60,000/- and severance of Rs.48,000/- amounting to Rs.1,08,000/- was received by the applicant towards terminal benefits, but the department rejected the request for compassionate appointment, vide letter No.B2/RR/10/2015, dated 24.11.2015 on the ground that she has got 28 points for assessment of indigent condition for compassionate appointment and since the deceased GDS had committed a fraud to the tune of Rs.5,65,185/-, the condition of unblemished service was not fulfilled.

3. The learned counsel for the Applicant produced a copy of a certificate issued by the office of the Gram Panchayat, Mahamadapur, wherein it has been certified that the applicant R/o Mahamadapur, Panagal Mandal is residing in H.No.5-68 and the said house is a Kutcha house with sheets.

4. It is the contention of the learned counsel for the Applicant that in the column relating to own agricultural lands and house, the department has shown H.No.1/23 with two RCC Rooms in the said village and allotted Zero marks for the calculation for compassionate appointment. It is further the contention of the learned counsel for the Applicant that the revised marks need to be given for the Kutcha House as well as there are further discrepancies in column no.6 with regard to terminal benefits paid to the applicant. Since the terminal benefits are yet to be paid, accordingly the allotted marks would be 7 instead of 5 marks. He has also brought to the notice of this Tribunal the revised guidelines dated 30.05.2017, for compassionate appointment wherein under the revised scheme, the points system for assessing the indigent condition has been dispensed with.

5. The learned counsel for the Respondents produced a certificate issued by the Government of Telangana Registration and Stamps Department, wherein the House Number is different.

6. Although the circular dated 30.05.2017 clearly states that the scheme will come into effect from the date of issue of the letter and will be applicable to all cases pending and arising on or after the said date, the cases which have been already settled will not be reopened. However, in this case, it is felt that since there are factual errors regarding the points obtained in respect of the house of the applicant in Mahamadapur Village as well as grant of terminal benefits, it is a fit case to be reopened.

7. In view of the revised guidelines issued by the department dated 30.05.2017 and the order of this Tribunal in O.A.No.419/2016 dated 01.03.2018, the impugned order dated 24.11.2015 is set aside. The applicant is hereby directed to submit a fresh application within 2 weeks from the date of receipt of a copy of this order for re-consideration for appointment on compassionate grounds. The respondents are directed to re-examine the case of the applicant in the light of the extant guidelines and place the matter before the next CRC for re-consideration of the case in accordance with the extant guidelines.

8. The OA is allowed accordingly. No order as to costs.

Sd/-

(NAINI JAYASEELAN)
MEMBER (ADMN.)

Dated this the 28th day of December 2018
Dictated in the Open Court

Dsn.