

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH  
HYDERABAD**

**OA/20/660/2018**

**Dated: 27/06/2019**

Between

S. Varahala Rao,  
S/o. Late S. Bheema Rao,  
Occ: Unemployed,  
R/o. D.No.3-70, HADKO Colony,  
Ambajipeta,  
East Godavari Dist. A.P. ò 533 214.

... Applicant

AND

1. Union of India rep. by Secretary,  
Ministry of Communication and  
Information Technology,  
Department of Posts,  
New Delhi ò 110 001.
2. The Chief Post Master General,  
Andhra Pradesh Circle,  
Vijayawada ò 520 013.
3. Superintendent of Post Offices,  
Rajahmundry Division,  
Rajahmundry ò 533 101.

... Respondents

Counsel for the Applicant : Mr. Siva  
Counsel for the Respondents : Mr. K. Venkateswarlu,  
Addl. CGSC.

***CORAM :***

***Hon'ble Mr. B.V. Sudhakar, Admn. Member***

***ORAL ORDER***  
{Per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

2. The O.A. is filed for not granting compassionate appointment to the applicant.
3. The brief facts of the case are that the applicant's father, while working as Postal Assistant in the respondent organization, died in harness. Consequently, his mother was appointed on compassionate grounds as Group -D<sub>2</sub> as the applicant was minor. Unfortunately, she also passed away in harness on 03.09.2015. Thereafter, on applying for compassionate appointment, respondents have rejected his request on 20.2.2018. Therefore, the present O.A.
4. The contentions of the applicant are that his case was rejected for lack of vacancies, and not because of the indigent circumstances in which his family was placed. When sought for the reasons in rejecting his request under RTI, respondents have merely forwarded the FAQs and the Office Memorandum. The applicant claims that this is an indication of lack of application of mind in deciding his request. The impugned order is neither a speaking nor a reasoned order. Receipt of terminal benefits can be no reason to reject the request for compassionate appointment.
5. Respondents in their reply statement, intimate that the case of the applicant was examined by the Circle Relaxation Committee held on 31.1.2017 for the post of Multi Tasking Staff and did not recommend the

case on the ground that vacancies are restricted to 5% of the total direct recruitment vacancies. The applicant, thereupon made a representation on 16.6.2017. On receipt of the same, he was advised to make a fresh claim under relaxation of Recruitment Rules. Accordingly the applicant made a representation on 9.9.2017 for consideration for appointment to any cadre in the department on compassionate grounds. The respondents examined the case of the applicant on 6.11.2017, 16.1.2018 & 5.2.2018 for the years 2016 & 2017 and rejected the same as his family was not in indigent circumstances. Respondents also state that on inquiry it was revealed that the applicant's deceased mother has raised loans to the extent of Rs.5,00,000/- and that this amount was adjusted from the terminal benefits of Rs. 8,98,161/- paid to the dependents of the deceased employee.

6. Heard the counsel and perused the material papers on record.
7. On the demise of his mother, the applicant did apply for compassionate appointment. The respondents considered the same and rejected it on the ground of lack of vacancy in the year. The norms for consideration of applications received for compassionate appointment are the relative merit points and also the number of vacancies available in that particular year. In the present case, the applicant's request could not be considered at the first instance for lack of vacancies. However, the respondents did consider on 31.1.2017 but could not select him since the family was not found to be in indigent circumstances. However, the applicant, on being advised to apply afresh for

compassionate recruitment, did so and in the said representation he did state that he could be considered for appointment to any grade. This would mean that he is willing to work in any departmental or extra departmental post. The respondents, all along considered his case for departmental posts and not for extra departmental posts. In regard to extra departmental post (GDS), applicant's age would not come in the way in considering his case. The respondents themselves have admitted that on inquiry, a sum of Rs.5,00,000/- raised as loans, have been adjusted from terminal benefits and a minor amount of Rs.3,00,000/- is left over. The applicant's mother belongs to lower rung of the organization. It is also not made clear in the reply statement as to whether an Inspector or any responsible officer has visited the family of the deceased employee in assisting and guiding them for making the application for compassionate appointment. If done, the confusion of applying for departmental or extra departmental post could have been cleared. Nevertheless, it is not too late since the applicant is willing to work in any grade. The respondents are directed to consider the request of the applicant for any Gramina Dak Sevak post, by placing it before the relevant Circle Relaxation Committee, within a period of three months from the date of receipt of this order.

With the above directions, the O.A. is disposed of with no order as to costs.

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

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