

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH  
HYDERABAD**

**OA/20/562/2017**

**Dated: 16/07/2019**

Between

1. Smt. Vabbina Bucchiyyamma,  
W/o. Lat Vabbina Appalanaidu,  
Aged about 52 years,  
R/o. Mukundapuram Village,  
Vepada Mandal, Vizianagaram District,  
Andhra Pradesh ó 535 161.
2. Vabbina Srinivasarao,  
S/o. Late Vabbina Appalanaidu,  
Aged about 35 years,  
R/o. Mukundapuram Village,  
Vepada Mandal, Vizianagaram District,  
Andhra Pradesh ó 535 161.

... Applicant

AND

1. Union of India rep. by  
the Chief Postmaster General,  
Andhra Pradesh Circle,  
Vijayawada.
2. The Postmaster General,  
Visakhapatnam Region,  
Visakhapatnam ó 2.
3. The Superintendent of Post Offices,  
Vizianagaram Division,  
Vizianagaram ó 17.

... Respondents

Counsel for the Applicants : Dr. A. Raghu Kumar  
Counsel for the Respondents : Mrs. D. Shobha Rani, Addl. CGSC

**CORAM :**

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

**ORAL ORDER**

{Per Honøble Mr. B.V. Sudhakar, Member (Admn.)}

2. The O.A. is filed for not granting compassionate appointment.
3. The brief facts of the case are that the first applicant's husband died in harness while working for the respondents' organization. At the time of death of the ex-employee, 2<sup>nd</sup> applicant was pursuing his education and he could complete the course through A.P. School Society in the year 2012. Thereafter, mother of the 2<sup>nd</sup> applicant applied for compassionate appointment for her son. The same was rejected by the respondents on 10.5.2012. However, applicant claims that there has been no communication to the applicant regarding the representation. Hence, the applicants continued to represent to the respondents and the last representation was made on 13.7.2016. In response, impugned order dated 8.5.2017 was issued informing the applicant that his case was already examined and rejected. Aggrieved over the same, the O.A. has been filed.
4. The contentions of the applicant are that his case for compassionate appointment has to be considered based on the indigent conditions in which his family is placed. He has also stated that the marks awarded for different attributes are incorrect. The case of the applicant was considered by the respondents in the Circle Relaxation Committee on 10.5.2012 and thereafter

it was not considered. The respondents have revised the scheme wherein the threshold points have been reduced from 51 to 36, for considering cases of compassionate appointment. The case of the applicant could have been considered based on the revised points.

5. Respondents opposed the contentions of the applicant stating that the Circle Relaxation Committee met on 10.5.2012, did not recommend the case of the applicant as he got less than 31 points against the required 51 points for consideration for compassionate appointment. The same was informed to the applicant on 25.4.2012. The respondents state that the applicant was awarded 7 marks against the attribute in regard to number of dependents & 6 marks for the attribute of discharge benefits. As the applicant could not get 51 points, he was not selected. Accordingly, the impugned order dated 8.5.2017 was issued. The respondents have followed the rules and since the applicant was ineligible, he could not be picked up.

Respondents have also cited certain judgements of the Honøble Supreme Court in support of their contentions. Even the orders of certain Benches of this Tribunal were also cited to strengthen their contentions.

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

7. Primarily, the impugned order issued by the respondents dated 8.5.2017 is neither a speaking nor a reasoned order. Any order which is not a reasoned one, is invalid in the eyes of law. To be specific, the impugned order does not give details about the points obtained by the applicant attribute-wise and of the ones who were considered along with the applicant.

It is an order which is lifeless. Honorable High Court of Jharkhand in Jit Lal Ray v. State of Jharkhand in WP (C) No.469 of 2019 decided on 26.04.2019, has observed as under:

*“It is settled position of law that a decision without any reason will be said to be not sustainable in the eyes of law, because the order in absence of any reason, also amounts to the violation of the principles of natural justice.”*

Therefore, the impugned order needs to be set aside as it does not live up to the legal standard, as is expected of it.

Further, applicant has pointed out that the marks awarded for number of dependents should be 10 and for discharge benefits also 10 marks should be awarded. As per the Memo of the respondents issued on 17.12.2005, the same was verified and it was seen that the contention of the applicant is correct to the extent of awarding less marks for the attribute regarding to discharge benefits. The respondents should not rub off their mistake on to the applicant and thereby disqualify him. The issue concerns compassionate appointment and the future of an individual and, therefore, it needs to be processed with utmost care. It appears that such a care has not been taken in the present case.

In view of the above infirmities and as per the legal principles cited, respondents are directed to re-consider the case of the applicant for compassionate appointment and issue a speaking and a well reasoned order,

within a period of three months from the date of receipt of this order.

With the above direction, the O.A. is allowed. There shall be no order as to costs.

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

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