

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

OA. No. 020/356/2017
Dated: 05/05/2017

BETWEEN:

M. Madhavi,
W/o. Late M. Hari,
Aged about 36 years,
Occ: Unemployee,
Substitute GDS-MC/MD,
Bandakindapalle B.O., A/w Piler S.O.,
Chittoor District, A.P.



..... Applicant

AND

1. Union of India rep. by
The Chief Postmaster General,
A.P. Circle, Vijayawada – 520 013.
2. The Postmaster General,
Kurnool Region, Kurnool – 518 002.
3. The Supdt. of Post Offices,
Tirupati Division, Tirupati – 517 501.
4. ~~The Inspector Posts,~~
Piler Sub Division, ~~PILER~~, A.P.

..... Respondents

Counsel for the Applicants : Mr. B. Gurudas, Advocate
Counsel for the Respondents : Mr. M. Venkata Swamy, Addl. CGSC

CORAM

Hon'ble Mrs. Minnie Mathew, Member (Admn.)



ORAL ORDER

{Per Hon'ble Mrs. Minnie Mathew, Member (Admn.)}

Heard Mr. B. Gurudas, learned counsel for the applicant and Mr. M. Venkata Swamy, learned Standing Counsel.

2. The brief facts of the case are that the applicant's husband while working as GDS-MC/MD, Bandakindapalle B.O., A/w Piler S.O. died in harness on 02.06.2014. Consequent on the death of her husband the applicant requested for compassionate appointment vide her representation dated 17.06.2014. She submits that she is working as GDS MC/MD Bandakindapalle on Temporary basis. She was further directed to submit the required documents in support of her claim for compassionate appointment. The 3rd Respondent vide his letter dated 06.07.2015 pointed out certain omissions in the documents including a Secondary School Pass Certificate which is mandatory for all approved categories of GDS. The applicant then requested one year's time for acquiring 10th class qualification.

3. The grievance of the applicant that while her application for compassionate appointment is pending, the respondents have notified the post of GDS-MD/MC Bandakindapalle vide Annexure A-XIII notification dated 18.3.2017.

4. It is contended by the applicant that the respondents have wrongly directed her to acquire 10th class qualification when 8th class only is required as per the method of recruitment prescribed in GDS (Conduct & Engagement) Rules, 2011. She has further pointed out that "minimum



educational qualification can be relaxed in favour of a widow” applying for compassionate appointment. She submits that she possesses the minimum qualification of 8th class and that the respondents are not justified in asking her to acquire 10th class qualification.

5. The applicant also submits that as per Annexure-XXII letter of the D.G. Posts dated 02.02.1994 the compassionate appointment should be dealt with at the level of the Circle Relaxation Committee (CRC) under the Chairmanship of the Chief Postmaster General of A.P. However, her request has not been placed before the CRC for taking a decision. She therefore, pray that the post of GDS MC/MD Bandakindapalle BO should not be filled by the respondents till the CRC takes a decision on her application for compassionate appointment. She also submits that any decision taken in this regard at the divisional/ Regional level is illegal, arbitrary and against rules.

6. The applicant submits that she is presently working as GDS-MD / MC Bundakindapalle BO on temporary basis. The applicant’s counsel also produced a copy of the pay slip for the month of February, 2017 to show that the applicant is working as GDS-MD/MC Bandakindapalle.

7. When the case came up for consideration on 01.5.2017, learned Standing Counsel was directed to get instructions as to whether the applicant’s case had been placed before the CRC and as to whether she was working as substitute GDS in Bandakindapalle.

8. Today, Mr. M. Venkata Swamy, learned Standing Counsel has submitted on instructions that as per the new rules governing compassionate



engagement, the educational qualification for the post of GDS shall

Secondary School Examination pass certificate and that this qualification shall be mandatory for all categories of GDS.

9. Mr. B. Gurudas learned counsel for the applicant on the other hand argued ^{that} the said qualification is not applicable for compassionate ^{the same} appointment and that ^{the same} can be relaxed in case of widows applying for compassionate appointment.

10. The learned Standing Counsel fairly conceded that the case of the applicant has not been placed before the CRC so far.

Annexure –XXII date 28.12.1994 which reads as follows makes it clear that all cases of compassionate appointment should be decided at the level of Circle Relaxation Committee:-

“The matter has been examined in this office carefully. Having regard to the basic fact that compassionate appointments involve departure from the normal process or recruitment to various posts, there is utmost need for exercising discriminating ingenuity, with a view to ensuring that request for compassionate appointments in genuine cases are not refused and those which are unjust are not conceded. It is felt that the Divisional or Sub-Divisional Heads cannot be expected to take decision in such cases strictly in keeping with the spirit of instructions issued by the Government from time to time. In other words, the need for exercising these powers at the level of the Circle Relaxation Committee under the Chairmanship of Chief Postmaster-General cannot be underscored. From the point of view of uniformity in approach at least within Circle itself, it is desirable that all compassionate appointment cases are handled at the level of Circle Relaxation Committees and disposed of finally or referred to this office for further processing in cases where there is already an earning member and / or the case is more than five years old or approval for



relaxation of any of the prescribed eligibility conditions is needed. It has, therefore, been decided that in future, all these cases should be dealt with at the level of Circle Relaxation Committee."

11. In this view of the matter, the respondents are directed to place the case of the applicant for compassionate appointment before the CRC within a period of three months from the date of receipt of copy of this order. The respondents are also directed to maintain status quo in respect of the temporary appointment of the applicant as GDS MC/MD Bandakindapalle until the Circle Relaxation Committee issues orders on her application for compassionate appointment.

12. Accordingly, the OA is disposed of. No order as to costs.

प्रमाणित प्रत
CERTIFIED TRUE COPY
केस नंबर OA-356/17
निर्णय का तारीख 5/5/17
DATE OF JUDGEMENT 5/5/17
प्रति लेखन किया गया दिनांक 11/5/17
COPY MADE READY ON 11/5/17
Section Officer / Court Officer
केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
हैदराबाद बेंच/Hyderabad Bench

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