

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

Original Application No.21/920/2017

Date of Order: 01.07.2019

Between:

MD. Khallel-Ur-Rehman
S/o Late MD. Safi-Ur-Rehman
Aged 27 years, Occ: Unemployee
R/o H.No.1-61/E1/A, Road No.3
Padmavathi Colony, JEDCHERLA-509 301
Wanaparthi District, (TS).

... Applicant

AND

1. Union of India: Rep. by
The Chief Post Master General
Telangana Circle, Abids
Hyderabad 500 001. (T.S.)
2. The Post Master General
Telangana Circle, Abids
Hyderabad – 500 001, (T.S.)
3. The Superintendent of Post Offices
Wanaparthi Division
WANAPARTHY – 509 301 (T.S.).

... Respondents

Counsel for the Applicant ... Mr. B. Gurudas.

Counsel for the Respondents ... Mr. R.V. Mallikarjuna Rao, Addl. CGSC

CORAM:

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

ORAL ORDER

2. OA is filed challenging the decision of the respondents in not considering the applicant for Compassionate Appointment.

3. Applicant's father has passed away while working for the respondents organization as Postal Assistant on 8.5.2013. Applicant when he applied for compassionate appointment, it was rejected by the Circle Relaxation Committee (in short `CRC'), which met on 31.7.2015. Thereafter, representations of Applicant and that of his Mother made on 16.1.2016 and 10.7.2017, have not been responded to so far. Aggrieved, OA has been filed.

4. The contentions of the applicant are that merit points were not properly allotted as per Postal Directorate guidelines. Applicant claims that he should get 75 points. The rejection order does not indicate the reasons for rejection. Terminal benefits were mostly used to get the deceased employee treated. Widow of the deceased employee is not keeping good health. Family is living in poverty. Rejection of the case on grounds of lack of vacancy and relative merit points is unfair. There is no time limit for considering cases of compassionate appointment as per DOPT's OM No.F.No.14014/02/2012-Estt.(D), dated 16.1.2013 and in this regard the applicant relies on the Judgement of this Tribunal in OA

1276/2014 (**S.A.Gaffoor v. UOI & Others**), decided on 27.01.2017. He also relied on certain Judgements delivered by various Benches of this Tribunal in Para. 5.9 of the OA, in support of his claim.

5. Respondents confirm that the request of the applicant for compassionate appointment has been rejected by the CRC on 31.7.2015. Terminal benefits to the extent of Rs.12.77 lakhs have been disbursed to the family of the deceased Government employee. The family has a house of value Rs.7.41 lakhs and has an income of Rs.2.26 lakhs per annum from different sources. Monthly pension of Rs.25,765/- + Dearness Relief is being paid. Applicant is misleading the Tribunal by stating that the annual income is Rs.85,000/- in the OA whereas he has produced the Tahsildar certificate with an annual income of Rs.2.26 lakhs. Points were allotted as per Postal Directorate guidelines. Rejection of the case was for reasons of lack of vacancy and relative merit. Applicant has wrongly calculated the merit points by showing that he has no immovable property though he had a house, for terminal benefits applicant gets zero whereas applicant is incorrectly claiming marks for this attribute and, hence, the difference. Applicant indicated a debt of Rs.2,80,000/- whereas Rs.12,77,121/- was granted as terminal benefits. Respondents have cited the Hon'ble Supreme Court observation in **MGB Gramin Bank v Chakrawartti Singh**

(Civil Appeal No.6348/2013 dated 07.08.2013) wherein it was held that compassionate appointment is not a matter of right.

6. Heard counsel for the applicant and perused the records and the material papers placed on record.

7. I) Respondents rejected the request of the applicant on grounds of relative merit and lack of vacancy. The allotment of points has been as per Postal Directorate guidelines. Respondents have given clear details as to how the case has been processed. They have pointed out the discrepancy in regard to the income of the family submitted in the OA and while processing the application for compassionate appointment, by the applicant. Submission of varying details on a single attribute by the applicant on different occasions gives room for suspicion about the integrity of the information supplied. Further, the applicant counsel also could not clearly explain and establish the difference in allotting the points as claimed in the OA. Only averments were made by the applicant but did not back them up by proper documentary evidence to confirm that marks were not properly allotted as per rules. Hence, the OA deserves dismissal on facts. However, the impugned order does not contain the required details for

rejecting the request of the applicant, though respondents have made clear the reasons for rejection in the reply statement. Besides, applicant along with his mother have represented on 10.7.2017 & 16.1.2016, but there is no information in the reply statement as to whether the said representations have been examined and disposed. Further, applicant has cited certain judgments of the Hon Benches of this Tribunal at Para 5.9 of the OA which have not been responded to. The relevant judgment which requires examination by the respondents is in regard to OA 1407 of 1993 wherein it was held that rejection of compassionate appointment on comparative merit once, is no bar for consideration of the same. Also as contended by the respondents, applicant cannot claim compassionate appointment as a matter of right. However, he has a right to be considered.

II) Therefore, in view of the aforesaid facts, ends of justice will be met by directing the respondents to dispose of the representations made on 10.7.2017 & 16.1.2016 by the applicant and his Mother, keeping in view the judgments cited at Para 5.9 of the OA by issuing, this time, a speaking and a well reasoned order, within a period of 8 weeks from the date of receipt of a certified copy of this order. The respondents to take action as directed.

III) OA with the said direction is disposed of with no order as to costs.

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

Dated, the 1st day of July, 2019

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