

Spall

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD

O.A/20/00938/2017



Date of order : 16.11.2018

Between:

Mr. K NANDABABU,
S/o Mr. K.Mariyadas,
Aged 28 years,
Occupation: Unemployee,
Jayanthi Village,
Krishna District (A.P).

Applicant

A N D

1. Union of India represented by
the Chief Post Master General,
A.P.Circle, VIJAYAWADA 520 013,
Krishna District, A.P.,
2. The Post Master General,
Vijayawada Region,
VIJAYAWADA 520 013,
Krishna District, A.P.,
3. The Superintendent,
R.M.S., Y Division,
VIJAYAWADA 520 001,
Krishna District, A.P.,

Respondents

Counsel for the applicant : Mr B GURUDAS

Counsel for the respondents : Mr. M.Venkataswamy,
Addl. CGSC

C O R A M :

THE HON'BLE MR. SWARUP KUMAR MISHRA, MEMBER (J)

ORAL ORDER

Heard Learned counsel for the parties.

2. Although the learned counsel for the applicant has challenged the
legality and correctness of the order of rejection and assigning the points
in favour of the applicant, but his next submission was that the case of

16.11.18



the applicant can be considered by the next CRC since there is no bar for the same. The learned counsel for the respondents submits that the applicant's case has already been considered but no time limit has been prescribed for considering the successive applications for compassionate appointment of any person. In this regard, the learned counsel for the applicant has drawn attention of this Tribunal to the direction given in para 5 of judgment dated 27.01.2017 passed in OA 1276/2014:

"5. When the matter came up for hearing learned counsel for the applicant argued that even though the applicant may not have been found suitable for selection at the time of CRC meeting held on 29.4.2014, he would continue to be eligible for consideration in subsequent years, in view of the following clarification in DoPT order dated 16.01.2013:

"Prescribing time limit for considering applications for compassionate appointment has been reviewed vide this Department OM.No.14014/3/2011-Estt.(D) dated 26.07.2012. Subject to availability of a vacancy and instructions on the subject issued by this Department and as amended from time to time, any application for compassionate appointment is to be considered without any time limit and decision taken on merit in each case."

4. In that case, following direction has also been given:

"Having regard to the submissions on both sides and the latest OM of the DoPT, the OA is disposed of with a direction to the respondents to consider the application of the applicant for compassionate appointment in terms of the instructions issued by the Department of Personnel and Training in Office Memorandum dated 16.01.2013 and extracted in para 5 supra. No costs."

16-11-17



5. Accordingly, the respondents are directed to consider the application of the applicant on merits in the next CRC if the applicant comes within the merit list and within 5% of DRT quota as per DoPT OM. dated 16.01.2013 mentioned above.

6. This Tribunal does not like to go into the merits and legality of the points assigned in favour of the applicant by the respondents in view of the fact that the case is going to be disposed of by following similar directions given in OA 1276/2014.

7. The OA is disposed of accordingly with the above directions. No order as to costs.

प्रमाणित प्रत
CERTIFIED TRUE COPY

केस संख्या
CASE NUMBER... OA 938/2017
निर्णय का तारीख
DATE OF JUDGEMENT... 16-11-2018
प्रति प्रेषित दिनांक
COPY MADE READY ON... 26-11-2018

NimP
26/11/18

सुपरीनтенडेंट / कोर्ट ऑफिसर
Section Officer / Court Officer
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद बेंच/Hyderabad Bench