



**Central Administrative Tribunal
Principal Bench: New Delhi**

O.A. No.437/2021

This the 23rd day of February, 2026

Hon'ble Mr. Manish Garg, Member (J)

Mohd. Farhan, S/o Late Anwar Ahmad, aged about 22 years, R/o Village and Post Dharampur District-Bulandshahr, U.P.

...Applicant

(By Advocate : Mr. Shoeb Shakeel with Mr. Raju Kumar)

Versus

1. Union of India
Through its Secretary
Department of Telecom Services, Sanchar Bhawan,
Ashoka Road,
New Delhi.
2. The Chief Postmaster General Uttar Pradesh
Circle, Lucknow- 226001
3. The Superintendent of Posts Bulandshahr Division

...Respondents

(By Advocate : Mr. Manish Kumar)



ORDER (ORAL)

In the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant seeks the following reliefs:-

- “1. That the respondents may be directed to appoint the applicant on compassionate grounds as per the rules;*
- 2. That the order of the respondent (Annexure A-1) for not recommendation of appointment may be set aside.*
- 3. That any other benefit or relief which in the circumstances of the case deemed fit and proper be allowed to the applicant.*
- 4. That the cost of the suit be awarded to the applicant.”*

2. The brief facts of the case as narrated by learned counsel for the applicant are as under:-

2.1 The father of the applicant died in harness on 29.05.2015 while working as Mail Agent, EDDA at Dharampur (Dibai), District Bulandshahr, leaving behind his widow and three children, including the present applicant. It is contended that upon the sudden demise of the sole breadwinner, the family was left in acute financial distress, and therefore, the applicant sought appointment on compassionate grounds in accordance with the prevailing policy.

2.2 The case of the applicant was considered by the Circle Relaxation Committee (CRC) in its meetings

held on 09.08.2018, 10.08.2018 and 11.08.2018.

However, the remark recorded was:

“Applicant needs to apply afresh as the age of the applicant is less than 18 years”

Learned counsel submits that that this remark was factually incorrect since his date of birth is 18.07.1998 and he had already attained the age of 18 years at the relevant time.

2.3 Subsequently, respondent no. 3 issued a letter dated 25.03.2019 directing the mother of the applicant to furnish an affidavit to the effect that the affidavit dated 25.07.2016 be treated as the date of application. The letter clearly records that:

“On the basis of Point 2 of abovementioned letter you again submit an application alongwith affidavit dated 25.07.2016 through Supdt. of Posts, Anupshahr to this office thereby mentioning in the same that the affidavit submitted on 25.07.2016 for the appointment of son Farhan should be treated as the date of application. On the said date the age of Farhan is 18 years and 07 days which is sufficient for application.”

Thus, the respondents themselves treated 25.07.2016 as the effective date of application and acknowledged that on that date the applicant had attained majority.

2.4 Thereafter, vide letter dated 09.07.2019, the applicant was intimated that his case was considered





but not recommended for engagement on the following ground:

“Not recommended in view of not fulfilling the basic eligibility criteria circulated by Dte. Letter no. 17-02/2018-GDS dated 08.03.2019.”

2.5 Aggrieved thereby, the applicant preferred representations dated 26.08.2019, 06.01.2020 and 05.03.2020, but no relief was granted, leading to the filing of the present O.A.

2.6 Learned counsel for the applicant submits that the death of the employee occurred on 29.05.2015 and the respondents themselves treated 25.07.2016 as the date of application. It is contended that the rejection dated 09.07.2019 is based solely upon Directorate letter dated 08.03.2019, which lays down revised eligibility criteria. It is argued that the said circular cannot be applied retrospectively to a case relating to death in 2015 and the application treated as of 2016. It is further submitted that compassionate appointment is a beneficial scheme, and hyper-technical reliance upon a subsequent circular defeats the object of the scheme.



3. *Per contra*, learned counsel for the respondents opposes the Original Application and reiterates the averments made in the Counter Affidavit.

3.1 It is submitted that compassionate appointment is not a matter of right but is governed strictly by the policy in force. The applicant must satisfy all eligibility conditions prescribed under the relevant instructions.

Learned counsel submits that the applicant was initially a minor at the time of submission of the application. It is further contended that as per the applicable instructions and the Directorate letter dated 08.03.2019, certain minimum educational qualifications were prescribed, including the requirement relating to Mathematics as a compulsory subject in the 10th class examination.

3.2 It is further stated that the applicant had obtained a Secondary School education pass certificate of 10th standard but failed in Mathematics with 27 marks. The respondents rely upon DG Posts letter No. 17-02/2018-GDS dated 08.03.2019, which prescribes:

“II. Educational Qualification

- (i) *Secondary School Examination education pass certificate of 10th standard with passing marks in mathematics & English (having been studied as compulsory or elective subjects) conducted by any*



recognized Board of School Education of the Government of India/State Governments/Union Territories in India shall be a mandatory educational qualification for all approved categories of Gramin Dak Sevaks (i.e. BPM, ABPM & DAK Sevak) referred to in Directorate Order No 17-31/2016-GDS dated 25.06.2018.”

It is submitted that the case was considered by CC&E held on 30.05.2019 and 31.05.2019 and the applicant did not fulfill the revised eligibility criteria. The respondents deny retrospective application and contend that the applicant's contention is misconceived.

3.3 It is argued that the applicant did not fulfill the basic eligibility criteria as interpreted under the policy, particularly with regard to subject requirements. The respondents have considered the case of the applicant in accordance with the prevailing instructions and the decision of the Circle Relaxation Committee. Upon such consideration, the case was not recommended.

3.4 Learned counsel further submits that the policy dated 08.03.2019 clarifies and governs the eligibility conditions for engagement. The respondents are bound by the instructions issued by the Directorate and cannot act contrary thereto. The impugned



communication dated 09.07.2019 is stated to be in consonance with the governing rules and policies.

3.5 Reliance is also placed upon the judgment of the Hon'ble Supreme Court in ***L.I.C. of India Vs. Mrs. Asha Ram Chandra Ambedkar*** (JT 1994 (2) S.C. 183) to submit that compassionate appointment cannot be directed as a matter of right.

3.6 It is also contended that the Tribunal ought not to substitute its own interpretation in place of the administrative authorities in matters involving policy application unless the decision is shown to be perverse or illegal.

3.7 On these grounds, learned counsel for the respondents prays for the dismissal of the Original Application.

4. Having heard learned counsel for the parties and perused the record, the following aspects emerge as not being in dispute:

(i) The father of the applicant died in harness on 29.05.2015.

(ii) The applicant applied for a compassionate appointment who was initially a minor at the time of the submission of the application.



(iii) The respondents themselves required that the affidavit dated 25.07.2016 be treated as the relevant date of application.

(v) As on 25.07.2016, the applicant had attained the age of 18 years.

(vi) The applicant possesses the qualification of High School (10th pass) dated 08.06.2013.

4.1 The principal controversy revolves around the applicability of the policy dated 08.03.2019 as to whether the requirement relating to Mathematics as a compulsory subject could be invoked to reject the applicant's candidature.

4.2 It is trite law that compassionate appointment is an exception to the general rule of recruitment and is intended to provide immediate succor to the family of a deceased employee. The object is not to confer a vested right but to alleviate financial hardship. At the same time, such schemes must be construed in a manner that advances their object rather than defeats it.

4.3 In the present case, once the respondents themselves treated 25.07.2016 as the relevant date of application, the applicant's eligibility must necessarily



be examined with reference to the policy prevailing on that date. The policy dated 14.01.2015 was in force at the relevant time. The relevant part of Policy No. 17-39/6/201-GDS dated 14.01.2015 reads as under:-

“B. Educational Qualification

(i) ‘Secondary School Examination pass certificate’ of 10th standard conducted by any recognized board of school education in India shall be a mandatory educational qualification for all approved categories of Gramin Dak Sevaks referred to in Rule 3 (d) of the GDS (Conduct and Engagement) Rules, 2011 as amended from time to time.

(ii) The candidates for all approved categories of GDS referred to in (i) above will be required to furnish at least 60 days’ duration basic computer training certificate from a recognized Computer Training Institute. Computer Training Certificates from Central Government/State Government/University/Boards, etc. will also be acceptable for this purpose. Certificates from Private Computer Training Institutes shall also be acceptable subject to their recognition by Head of Postal Circle concerned based on their reputation, credibility and quality of education. This requirement of basic computer knowledge certificate shall be relaxable in cases where a candidate has studied computer as a subject in Matriculation or Class XII or higher educational qualification and in such cases, a separate certificate will not be insisted upon.”

4.4 The subsequent policy dated 08.03.2019 does not expressly provide for retrospective application and records that *“2. The revised eligibility conditions and criteria of selection will come into effect for the vacancies to be notified on or after the date of issue of this notification.”* The engagement process initiated



before this date shall be finalized as per the existing instructions.”

4.5 CIVIL APPEAL NO. 6903 OF 2021 titled ***The State of Madhya Pradesh & Ors. Versus Ashish Awasthi*** decided on 18.11.2021, it was observed by the Hon’ble Apex Court that in matter of Compassionate Appointment, the policy prevalent at the time of death of the deceased employee only is required to be considered and not the subsequent policy. It was a case wherein the deceased employee died on 08.10.2015. At the time of death, he was working as a work charge employee, who was paid the salary from the contingency fund. As per the policy/circular prevalent at the time of the death of the deceased employee, i.e., policy/circular No.C-3-12/2013/1-3 dated 29.09.2014 in case of death of the employee working on work charge, his dependents/heirs were not entitled to the appointment on compassionate ground and were entitled to Rs. 2 lakhs as compensatory amount. Subsequently, the policy came to be amended vide circular dated 31.08.2016, under which even in the case of death of the work charge employee, his



heirs/dependents will be entitled to the appointment on compassionate ground. Relying upon the subsequent circular/policy dated 31.08.2016, the Division Bench of the High Court has directed the appellants to consider the case of the respondent for appointment on compassionate ground. As per the settled proposition of law laid down by this Court for appointment on compassionate ground, the policy prevalent at the time of death of the deceased employee only is required to be considered and not the subsequent policy.

4.6 In the case of **Indian Bank and Ors. Vs. Promila and Anr.**, (2020) 2 SCC 729, it is observed and held that claim for compassionate appointment must be decided only on the basis of relevant scheme prevalent on date of demise of the employee and subsequent scheme cannot be looked into. Similar view has been taken by this Court in the case of **State of Madhya Pradesh and Ors. Vs. Amit Shrivastava**, (2020) 10 SCC 496. It is required to be noted that in the case of **Amit Shrivastava** (supra) the very scheme applicable in the present case was under consideration and it was held that the scheme



prevalent on the date of death of the deceased employee is the only to be considered.

4.7 It is a settled principle of service jurisprudence that unless a policy specifically provides for retrospective operation, it is to be applied prospectively. Applying a subsequent policy to an application already under consideration, to the prejudice of the applicant, would be impermissible. The policy/guidelines ought to be read as a whole and not piecemeal. On a plain and purposive reading of the policy dated 14.01.2015, there is no categorical stipulation mandating that mathematics must be a compulsory subject in the 10th class examination in the rigid manner contended by the respondents. The applicant admittedly passed the High School Examination in the year 2013 and thereby satisfied the essential educational requirement in terms of policy in the year 2015, wherein there was no stipulation to pass in Mathematics as well.

4.8 Even so, the Tribunal cannot lose sight of the beneficial nature of compassionate appointments. Hyper-technical objections regarding subject combinations, particularly when the applicant later



acquired Mathematics as an additional subject, cannot be permitted to override the substantive consideration of his claim.

4.9 The rejection of the applicant's candidature solely on the basis of the subsequent policy dated 08.03.2019, without examining his case under the policy prevailing as on 25.07.2016, renders the impugned action legally unsustainable.

4.10 Accordingly, this Tribunal is of the considered view that the impugned order dated 09.07.2019 suffers from arbitrariness and non-application of the correct policy framework.

5. In view of the foregoing discussions, the impugned order dated 09.07.2019 rejecting the candidature of the applicant is hereby set aside.

5.1 In view of the foregoing discussion, the respondents are directed to grant appointment to the applicant on compassionate grounds in terms of the policy prevalent at the relevant time, i.e., the policy dated 14.01.2015, by treating 25.07.2016 as the relevant date of application. The appointment shall be offered strictly in accordance with the said policy and subject to the fulfillment of other formalities, if any.



5.2 The applicant shall be entitled to all consequential benefits flowing from such appointment in accordance with the applicable policy and rules.

5.3 The aforesaid exercise shall be completed within a period of two months from the date of receipt of a certified copy of this order.

6. The Original Application stands allowed in the above terms. Pending MAs, if any, shall also stand disposed of accordingly.

7. There shall be no order as to costs.

(Manish Garg)
Member (J)

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