

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08-08-2016

CORAM:

THE HONOURABLE MR. JUSTICE A. SELVAM
AND
THE HONOURABLE MR. JUSTICE P. KALAIYARASAN

W.P.No.12033 of 2015

S. Gopi

... Petitioner

Vs.

1. Union of India
Represented by the Director General
Department of Post
New Delhi - 110 001
2. The Chief Post Master General
Tamil Nadu Circle
Anna Salai, Chennai - 600 002
3. The Postmaster General
Chennai City Region
Chennai - 600 002
4. The Superintendent of Post Offices
Arakkonam Division
Arakkonam - 631 001
5. Inspector of Posts
Walajapet Sub Division
Walajapet - 632 513
6. The Registrar
Central Administrative Tribunal
Chennai Bench, High Court Compound
Chennai - 600 104

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified mandamus calling for the records from the files of the sixth respondent - Tribunal in O.A.No.1187 of 2014 and quash the order made therein dated 19-09-2014 as being illegal and consequently direct the respondents 1 to 4 to reconsider the claim of the petitioner for appointment on compassionate grounds within a time frame.

For petitioner :: Mr. K.M. Ramesh

For respondent :: Mr. V. Balasubramaniam for RR1 to 5
R6- Tribunal

ORDER

(Order of the Court was made by A. SELVAM,J.)

This writ petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the order, dated 19-09-2014 passed in O.A.No.1187 of 2014 by the Central Administrative Tribunal, Madras Bench and quash the same and thereby direct the respondents to appoint the petitioner on compassionate grounds.

2. The writ petitioner herein, as applicant has filed O.A.No.1187 of 2014 on the file of the Central Administrative Tribunal, Madras Bench wherein it is averred that his father by name, N. Subramani has served in the Department of Posts and during his tenure of office, he passed away in the year 2010. Under the said circumstances, the petitioner is entitled to get an appointment on compassionate grounds. But the respondents have rejected his claim and therefore, the present Original Application has been filed.

3. The Central Administrative Tribunal, Madras Bench after considering the rival contentions raised on either side has dismissed O.A.No.1187 of 2014 mainly on the ground that the applicant has got married and therefore, he is not entitled to get appointment on compassionate grounds due to demise of his father. Against the dismissal order, the present writ petition has been filed.

4. The learned counsel appearing for the writ petitioner has contended that the father of the writ petitioner has passed away in the year 2010. Under the said circumstances, he applied for getting the employment on the ground of compassion. But the respondents have rejected his claim. Under the said circumstances, O.A.No.1187 of 2014 has been filed and the same has also been erroneously dismissed and therefore, the order passed in the Original application is liable to be quashed.

5. The learned counsel appearing for respondent Nos.1 to 5 fairly conceded that, on 30-11-2015, an amendment has come into effect by which even married son is entitled to get appointment on compassionate ground. But the Tribunal has erroneously dismissed O.A.No.1187 of 2014.

6. It is an admitted fact that the writ petitioner is the son of the deceased N. Subramani. It is also equally an admitted fact that the said Subramani has passed away in the year 2010, while he has been in service. The Tribunal has dismissed O.A.No.1187 of 2014 simply on the ground that the petitioner is a married son of the deceased.

7. As conceded on the side of the respondents, an amendment has come into existence on 30-11-2015, wherein it has been explicitly stated to the effect that even a married son of the deceased is entitled to get appointment on compassionate grounds. Therefore, it is clear that the reason given by the Central Administrative Tribunal, Madras Bench for dismissing O.A.No.1187 of 2014 is erroneous and therefore, the order passed in O.A.No.1187 of 2014 is liable to be quashed.

In fine, the writ petition is allowed without costs and the order passed in O.A.No.1187 of 2014 is quashed and O.A.No.1187 of 2014 is allowed without costs.

The respondents are strictly directed to reconsider the representation given by the petitioner within a period of two months from the date of receipt of a copy of this order. Consequently, Connected M.P.No.1 of 2015 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Director General
Department of Post
New Delhi - 110 001
2. The Chief Post Master General
Tamil Nadu Circle
Anna Salai, Chennai - 600 002
3. The Postmaster General
Chennai City Region
Chennai - 600 002

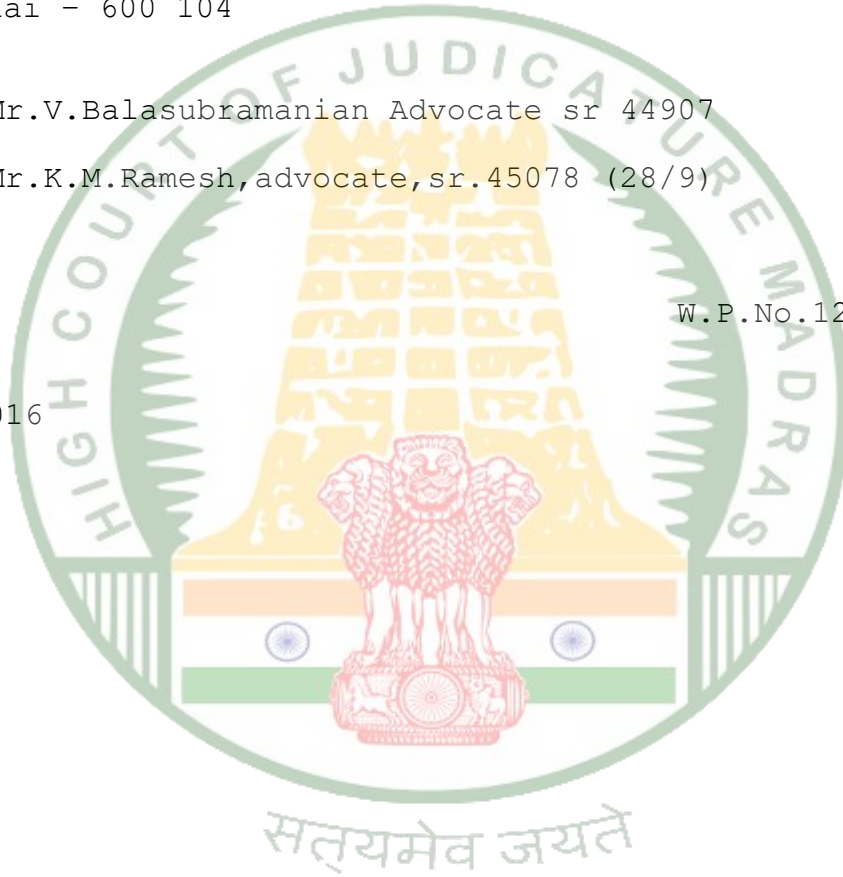
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5. Inspector of Posts
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Walajapet - 632 513
6. The Registrar
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Chennai Bench, High Court Compound
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+1 cc to Mr.V.Balasubramanian Advocate sr 44907

+1 cc to Mr.K.M.Ramesh,advocate,sr.45078 (28/9)

W.P.No.12033 of 2015

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