

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.28286 of 2017
and
W.M.P.No.30404 of 2017

- 1 Union of India
Rep by The Chief Post Master General
Tamil Nadu Circle Chennai 600 002.
- 2 The Senior Superintendent of Post Offices
Chennai City Central Division Chennai 600 017.
Petitioners

Versus

- 1 S.Deivakumari
- 2 The Central Administrative Tribunal
Rep by its Registrar
Madras Bench Chennai 600 104.
Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of Tribunal and quash the Order dated 20.4.2017 in MA. No. 310/00326/2017 in OA. No.310/01521/2015 as the same is unsustainable.

For petitioners : Mr.V.P.Sengottuvel
For R1 : Mr.R.Malaichamy
R2 : Cour

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellants and Mr.R.Malachaimy, learned counsel, who takes notice on behalf of the first respondent.

2. The matter relates to non-consideration of the claim of the first respondent herein for appointment on compassionate grounds on the death of her husband who was an employee in the Postal Department and facing a CBI case, but, died pending Trial. It appears that the husband of the first respondent herein died on 5.7.2011 and the representation seeking appointment was made by her on 13.6.2012, since the same was not considered, she had moved the Tribunal in the year 2015 and the same came to be disposed of on 12.8.2016 with a direction to consider her case for appointment on receipt of report from CBI. Since, even thereafter, she could not get appointment, she had moved the present application before the Tribunal and got the impugned order directing the Department to consider her case within a stipulated period, which order is under challenge before us.

3. It is the stand of the learned counsel appearing for the appellant that only during 2012, applications seeking compassionate ground were placed before the Circle Relaxation Committee and since the CBI case against the husband of the first respondent was set abated by its judgment dated 31.12.2015, the case of the first respondent would be placed before the Committee on the next session.

4. It is surprising to note the casual attitude of the Department in the manner of considering the applications filed, within a reasonable time like six months as we find that the scope of the scheme giving appointment on compassionate grounds to the members of the employee who died in harness leaving the family members in lurch, gets defeated and diluted by the leisurely process at the administrative level without looking into the difficulties faced by the family of the deceased. This is totally unwarranted. It would be better if the authorities act efficaciously in this regard and consider the claims of appointments on compassionate grounds within a period of six months or maximum in a year or else, the very purpose of considering the applications for compassionate appointment will be frustrated leading to miserable situation of the family of the deceased.

5. At this juncture, the learned counsel appearing for the appellants submitted that in another three months, they are going to consider the case of the first respondent and they would do the needful in accordance with law.

6. In view of the submissions made by the learned counsel appearing for the appellant, while upholding the order of the Central Administrative Tribunal, we dispose of the writ petition making it clear that the claim of the first respondent herein will be finalised, as submitted, at the earliest to safeguard the interest of the family which is dying in harness. No costs. The connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The Central Administrative Tribunal
Rep by its Registrar
Madras Bench Chennai 600 104.

+1 CC to Mr.V.P. Sengottuvel, Advocate sr 78426.

+1 cC to Mr.R. Malaisamy, advocate sr 78222.

W.P.No.28286 of 2017

SP(12/12/2017)

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