

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.6305 of 2018
and
W.M.P.No.7800 of 2018

- 1.The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai-600 002.
- 2.The Postmaster General,
Chennai City Region,
Chennai-600 002.
- 3.The Superintendent of Post Offices,
Arakkonam Division,
Arakkonam-631 001. Petitioners

-vs-

- 1.P.Dillibabu
- 2.Central Administrative Tribunal,
rep.by its Registrar,
Madras Bench,
Chennai-600 104. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the records of the second respondent and quash the order dated 10.01.2018 made in O.A.No.1004/2016 as the same is unsustainable.

For Petitioners :: Mr.V.P.Sengottuvel

For Respondents :: Mr.K.M.Ramesh for R1

ORDER

(Made by HULUVADI G.RAMESH, J.)

The first respondent herein has filed an application in O.A.No.1004/2016 before the second respondent Tribunal to quash the order passed by the first petitioner herein rejecting the claim of compassionate appointment of the first respondent and for a direction to appoint the first respondent on compassionate

grounds. The said original application was disposed of by the Tribunal on 10.01.2018 directing the first petitioner to convene a meeting of the Circle Relaxation Committee within a period of six weeks and to decide the case of the first respondent. The said order is challenged in this writ petition by the Department.

2.The learned counsel for the petitioners-Department has submitted that the first respondent has not secured the required relative merit points and further there is an yardstick fixing the ceiling prescribed for compassionate appointment to 5% of the direct recruitment quota of vacancies and therefore the first petitioner, by proceedings dated 27.05.2015, had informed the second petitioner that the application of the first respondent has not been approved and accordingly the claim of the first respondent for compassionate appointment was rightly rejected by the authorities.

3.The learned counsel for the first respondent has submitted that the Tribunal has dealt with the matter in proper perspective and has passed the impugned order which does not require any interference in the hands of this Court.

4.Heard the learned counsel on either side and perused the materials available on record.

5.In the case on hand, the father of the first respondent died in the year 2008. At that point of time, the first respondent was aged 12 years. Initially, the mother of the first respondent who was aged 47 years at that time and studied upto VI Standard approached the authorities on 02.01.2009 for compassionate appointment. As she was not having the minimum qualification of VIII Standard, she was advised to apply for compassionate appointment for her son on attaining majority. Accordingly, she made a representation dated 27.07.2013 to the authorities to consider her son, the first respondent herein, whom she educated upto 12th Standard for appointment in GDS post on compassionate grounds. The second petitioner vide letter dated 26.12.2013 informed her to approach the office of the ASPO along with relevant documents, on the first respondent attaining majority. She also made such an application after the first respondent attained majority, on 25.05.2014. Thereafter, the first respondent came to know that the Circle Relaxation Committee had considered his case, but not approved it, since he had not secured the minimum required Relative Merit Points. The first respondent's case has been rejected relying upon the Postal Directorate Circular dated 14.12.2010 which prescribes a system of allocation of points for various attributes.

6.It was argued on behalf of the first respondent before the Tribunal that at the relevant point of time, ie., at the time when the application for compassionate appointment was submitted, there was a scheme in respect of compassionate

appointment and hence as per the ratio laid down by the Apex Court in its judgment in Canara Bank and another v. M.Mahesh Kumar, reported in CDJ 2015 SC 467, compassionate appointment has to be granted as per the Scheme which was in vogue at the relevant point of time when the application was made for compassionate appointment.

7.After considering the case in detail, the Tribunal held that the authorities gave merit points as per the 2012 circular in respect of all criteria except the item "Outstanding Liabilities of Education of Minors", which is not correct. Hence, the Tribunal held that the first respondent is eligible for the award of 15 merit points as per the 2012 circular and arrived at the total marks as 62 and accordingly directed the petitioners to apply the Circular dated 09.03.2012 for award of 15 relative merit points in the column pertaining to "Outstanding Liabilities of Education of Minors". It was also observed that if any person having less than 62 points has been selected and appointed within the available vacancies, ie., as per the ceiling, it would amount to having ignored the first respondent's right to be considered for compassionate appointment. We are not inclined to interfere with the said finding rendered by the Tribunal, as the said finding has been rendered on a detailed analysis of various circulars.

8.Considering the facts and circumstances of the case, while not interfering with the impugned order, the petitioners are directed to accommodate the first respondent in any suitable post, within a period of six months from the date of receipt of a copy of this order, if he is found qualified as per the decision taken by the Tribunal modifying the Relative Merit Points.

9.The writ petition is disposed of accordingly. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(cS VIII)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai-600 002.

2.The Postmaster General,
Chennai City Region,
Chennai-600 002.

3.The Superintendent of Post Offices,
Arakkonam Division,
Arakkonam-631 001.

4.The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai-600 104.

+1cc to Mr.K.M.Ramesh, Advocate Sr.No.27857

+1cc to Mr.V.P.Sengottuvel, Advocate Sr.No.27510

+1cc to Mr.D.Raghupathi, Advocate Sr.No.27562

SKV(CO)

sm:2.5.2018`

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