

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.9484 of 2017 and WMP.No.10433 of 2017

1. The Union of India rep. by
The Chief Post Master General,
Tamil Nadu Circle,
Anna Salai, Chennai-2.
2. Senior Superintendent of Post Offices,
Coimbatore Division,
Coimbatore-641 001.
3. The Manager,
Mail Motor Service,
Coimbatore-641 001. Petitioners

Vs

1. Sampath Kumar
2. Central Administrative Tribunal
rep. by its Registrar,
Madras Bench, Chennai-104. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 2nd respondent and quash the order dated 03.06.2016 in O.A.No.745/2016 as the same is unsustainable.

For Petitioner :: Mr.V.P.Sengottuvel
For 1st Respondent :: Mr.P.Tamilavel
R2 : Tribunal

ORDER

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

Challenging the correctness of the order passed in

O.A.No.745/2016 dated 3.6.2016, by the Central Administrative Tribunal, the unsuccessful respondents have preferred the present Writ Petition.

2. The Original Application was filed challenging the order dated 16/21.09.2015 passed by the 3rd respondent therein and to set aside the same and also for further direction to consider the applicant's candidature for grant of compassionate appointment. The Tribunal, by its order dated 03.06.2016 disposed of the said Original Application. Aggrieved over the same, the respondents/petitioners are before this Court with this Writ Petition.

3. The Writ Petition is listed today under the caption, 'for admission'.

4. Heard the learned Counsel on either side and we have also perused the materials carefully available on record.

5. At the outset, it is pertinent to extract paragraph 5 of the order of the Central Administrative Tribunal here under :

'5. Be that as it may, in view of the submissions made by the learned Counsel for the applicant, I am of the view that without going into the substantive merit of the matter, this OA could be disposed of by issuing the following direction:

'The respondent authority shall reconsider the candidature of the applicant for compassionate appointment in the light of the then existed scheme which prevailed as on the date of the death of the father of the applicant and pass suitable order within a period of two months from the date of receipt of a copy of this order and communicate the same to the applicant.'

As per the view taken by the Tribunal, the petitioners herein would have considered the candidature of the 1st respondent for compassionate appointment in the light of the then existed scheme which prevailed as on the date of the death of the father of the 1st respondent herein and passed suitable order within a period of two months from the date of receipt of a copy of that order. But, without considering the said aspect simple rejecting the claim of the 1st respondent is frivolous and unsustainable on the part of the petitioners herein.

6. Therefore, now it is well open to the petitioner authorities to once again consider the case of the 1st respondent/applicant for compassionate appointment, in the light of the ratio laid down by the Apex Court in its judgement in

Canara Bank and another v. M.Mahesh Kumar, reported in CDJ 2015 SC 467, which provides that 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. The said exercise shall be completed within a period of three months from today.

7. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Post Master General,
Union of India,
Tamil Nadu Circle,
Anna Salai, Chennai-2.
2. Senior Superintendent of Post Offices,
Coimbatore Division,
Coimbatore-641 001.
3. The Manager,
Mail Motor Service,
Coimbatore-641 001.
4. The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai-600 104

+1cc to Mr.V.P.Sengottuvel, Advocate, S.R.No.42575

+1cc to Mr.P.Tamilavel, Advocate, S.R.No.42878

W.P.No.9484/2017

PA(CO)

GSP(20/07/2018)