

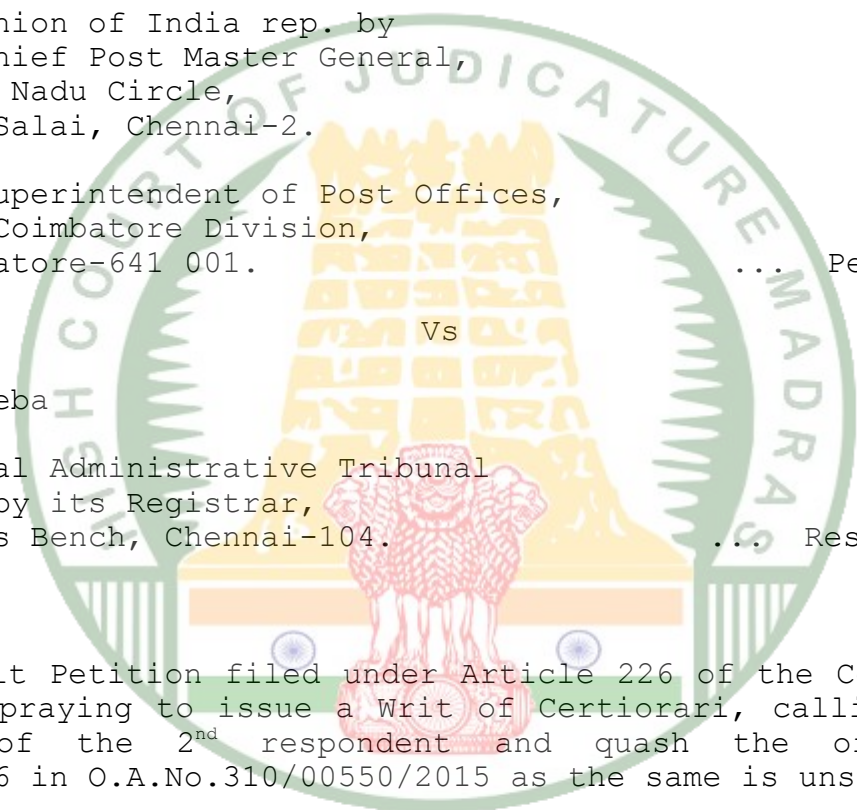
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM:

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

W.P.No.17747 of 2017 and CMP.No.19267/2017

- 
1. The Union of India rep. by
The Chief Post Master General,
Tamil Nadu Circle,
Anna Salai, Chennai-2.
 2. The Superintendent of Post Offices,
RMS, Coimbatore Division,
Coimbatore-641 001. Petitioners
- Vs
1. L.Sheeba
 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 08.04.2016 in O.A.No.310/00550/2015 as the same is unsustainable.

For Petitioner सत्यमेव जयते :: Mr.V.P.Sengottuvel
For 1st Respondent :: Mr.P.Rajendran

ORDER

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

Challenging the correctness of the order passed in O.A.No. 310/00550/2015 dated 08.04.2016, by the Central Administrative Tribunal, the unsuccessful respondents have preferred the present Writ Petition.

2. The Original Application was filed challenging the order dated 02.07.2012 passed by the 2nd respondent therein and

to set aside the same and also for further direction to provide compassionate appointment to the applicant in any suitable post with reference to her educational qualification.. The Tribunal, by its order dated 08.04.2016 disposed of the said Original Application granting the relief sought for by the applicant. 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. In the above circumstances, without going into the substantive merit of the matter, we are of the view that the OA could be disposed of by issuing the following direction

''The respondent authority shall consider the candidature of the applicant for compassionate appointment as per the scheme which existed as on the date of the death of the father of the applicant, i.e. 19.09.2000 and communicate the result to him within a period of three months from the date of receipt of a copy of this order.''

As per the view taken by the Tribunal, the petitioners herein should 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 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(CS IV)

//True Copy//

Sub Assistant Registrar

tsi

To

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

+1cc to Mr.V.P.Sengottuvel, Advocate, S.R.No.42574

+1cc to Mr.P.Rajendran, Advocate, S.R.No.42974

W.P.No.17747 of 2017

BR(CO)
CS/20/07/18

सत्यमेव जयते

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