

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.18468 of 2017  
and  
W.M.P.No.20044 of 2017

- 1.Union of India rep.by  
The Postmaster General,  
Western Region, TN,  
Coimbatore-641 002.
- 2.The Superintendent,  
RMS Coimbatore Division,  
Coimbatore-641 001. .... Petitioners

-vs-

- 1.A.Anand
- 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 12.04.2016 in O.A.No.310/00167/2014 as the same is unsustainable.

For Petitioners :: Mr.V.P.Sengottuvel

For Respondents :: Mr.J.Lakshmi Narayanan for  
Mr.P.Rajendran for R1

ORDER  
(Made by HULUVADI G.RAMESH, J.)

The first respondent herein has filed an application in O.A.No.310/00167/2014 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 12.04.2016 directing the authorities to place the candidature of the first respondent for compassionate appointment before the Circle Relaxation Committee meeting and to pass a reasoned speaking order based on the result of it. The said order is challenged in this writ petition by the Department.

2.The learned counsel for the petitioners-Department has submitted that while the relative merit point for the last selected candidate in Postman cadre was 75 and MTS was 91, and there is an yardstick fixing the ceiling prescribed for compassionate appointment to 5% of the direct recruitment quota of vacancies, the relative merit point assessed in respect of the first respondent was only 53 and hence his case was not recommended by the Circle Relaxation Committee as less indigent and for want of 5% DR vacancies, 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 1998. At that point of time, there was a scheme in respect of compassionate appointment. 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, 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. Relying on the said judgment, the second respondent Tribunal has passed the impugned order directing to place the candidature of the first respondent for compassionate appointment in the next Circle Relaxation Committee meeting and to pass a reasoned speaking order, which in the considered opinion of this Court, does not require any interference.

6.In the present case, the application for compassionate appointment was made by the first respondent in the year 1998 and due to subsequent correspondences, the matter got delayed somehow or the other and now it is about 20 years since the date of submission of application for compassionate appointment. Hence, 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.

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

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

KM

To

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

+1 cc to M/s.P.Rajendran Advocate sr27613

+1 cc to M/s.V.P.Sengottuvel Advocate sr 27512

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and

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