

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.6.2018

CORAM

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

W.P.No.15198 of 2018
and
W.M.P.No.18041 of 2018

- 1 Union of India
Rep. by the Chief Post master General
Tamil Nadu Circle Chennai-600 002.
- 2 The Post Master General
Northern Region
Tamil Nadu Circle Chennai-600 002.
- 3 The Superintendent of Post Offices
Cuddalore Division
Cuddalore-607 001. Petitioners

Versus

- 1 S.Dhandapani
- 2 The Central Administrative Tribunal
Madras Bench Rep. by its Registrar
City Civil Court Buildings
Chennai-600 104.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records relating to the order passed by the 2nd respondent Tribunal in OA.No.504 of 2015 dated 20.04.2017 and quash the same.

For petitioners : Mr.Venkataswamy Babu

ORDER

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

Heard the learned counsel appearing for the petitioners for some time.

2. The writ appeal has been filed by the Union of India challenging the order passed by the Central Administrative Tribunal in directing the appellants to reconsider the claim of the first respondent herein seeking appointment on compassionate grounds.

3. It appears that the application dated 26.2.1998 filed by the first respondent seeking appointment on compassionate grounds on the death of his father on 15.12.1997 was rejected by the authorities vide order dated 18.10.2013 on four grounds noted in a para 3 of the order passed by the Central Administrative Tribunal viz.,

(a) his mother was employed in Panchayat Union and earning (Rs.3336/- per month)

(b) his family owns house

(c) there are no daughters due for marriage

(d) his family is not considered to be in indigent circumstances.

It also appears that the subsequent representation dated 3.4.2014 also came to be rejected on 22.4.2014 which resulted in filing of the Original Application before the Tribunal.

4. Having heard the learned counsel appearing for the appellants and perused the materials available on record, we find that the Tribunal, having found that the appellants have not assessed the first respondent's indigent circumstances as per the guidelines dated 9.10.1998 issued by DOPT, has rightly quashed the impugned orders dated 18.10.2013 and 22.4.2014 and directed to reconsider the claim of the applicant seeking appointment on compassionate grounds, strictly only on the basis of the guidelines issued by DOPT dated 9.10.1998 without reference to the subsequent guidelines framed by the DOPT.

5. We do not find any reason to interfere with the order passed by the Tribunal directing to reconsider the claim of the first respondent. What was found by the Tribunal is only non-application of mind on the part of the authority which, in no way, is adverse to the Department, rather it has only been directed to reconsider the claim of the first respondent as per the guidelines dated 9.10.1998. As such, we do not find any error in the order passed by the Tribunal. It is for the authorities to reconsider the issue as directed in para 7 of the order passed by the Tribunal and do the needful within a period of three months from the date of receipt of a copy of this judgment.

6. In the result, the writ appeal is dismissed. No costs.
The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1.The Chief Post master General
Union of India Tamil Nadu Circle Chennai-600 002.
- 2 The Post Master General
Northern Region
Tamil Nadu Circle Chennai-600 002.
- 3 The Superintendent of Post Offices
Cuddalore Division
Cuddalore-607 001.
- 4.The Registrar
The Central Administrative Tribunal
Madras Bench City Civil Court Buildings
Chennai-600 104.

+1cc to Mr.Venkataswamy Babu, Advocate, S.R.No.
+1cc to Mr.*, Advocate, S.R.No.39664

W.P.No.15198 of 2018

GSP (19/07/2018)

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