

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition No.5225 of 2019
and
W.M.P.No.5936 of 2019

Union of India rep. by
Senior Superintendent of Post Offices,
Senior City North Division,
Chennai - 600 008. Petitioner

Vs

1. Central Administrative Tribunal,
Rep. by its Registrar,
Madras Bench,
Chennai - 600 104.

2. Mr.Rahelamma Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Certiorari or any other writ, order or direction in the nature of a Writ Calling for the records of the impugned order dated 12.12.2017 made in OA.NO.652 of 2014.

For Appellants : Mr.B.Rabu Manohar

For Respondents : Mr.R.Malaichamy for R2
R1-Tribunal

ORDER

(Order of the Court was made by K.K.SASIDHARAN, J.,)

This writ petition is directed against the order dated 12.12.2017 in O.A.No.652/2014, wherein and whereby, the Madras Bench of Central Administrative Tribunal was pleased to direct the appellant herein to reconsider the case of the respondent for compassionate appointment, taking into

account, the circumstances prevailing as on the date on which the employee died. Feeling aggrieved by the said order, the petitioner has come up with this writ petition.

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2. We have heard the learned counsel for the petitioner. We have also heard the learned counsel for the respondent.

3. The respondent submitted an application for compassionate appointment, taking into account, the death of her husband on 14.02.2003. The application was processed by the petitioner and by order dated 21.08.2012, her plea was negatived. The petitioner, in the order dated 21.08.2012 indicated that the case of the respondent was placed before the Circle Relaxation Committee and objective consideration made. Since the respondent obtained low marks, taking into account the relevant merit points, her case was rejected.

4. Before the Central Administrative Tribunal, the petitioner contended that the respondent was employed temporarily in the Postal Department and the said position should also be taken note of for deciding the indigent circumstances of the applicant.

5. The Tribunal was of the view that the temporary job offered by the Railways should not be a factor to reject the claim made for compassionate appointment.

6. We do not find any error or illegality committed by the Tribunal by directing the petitioner to reconsider the question of indigent circumstances, which has to be considered in the light of the circumstances, prevailing as on the date on which, the breadwinner of the family died and without taking into account, the subsequent event relating to the temporary employment on daily wages given by Railways. Such circumstances cannot be a factor to deny the appointment on compassionate basis. In fact, the order dated 21.08.2012 does not contain any reason muchless justifiable reason to reject the case pleaded by the respondent. The impugned order proceeds as if the Circle Relaxation Committee examined the case based on an objective assessment. There is nothing on record to show the factors which contributed for the denial of the request made by the respondent for compassionate appointment.

7. We are therefore of the view that the Tribunal was justified in directing the petitioner to consider the matter afresh.

8. We direct the petitioner to comply with the direction issued by the Tribunal as expeditiously as possible and in any case, within a period of two months from the date of receipt of a copy of this order.

9. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi
To

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

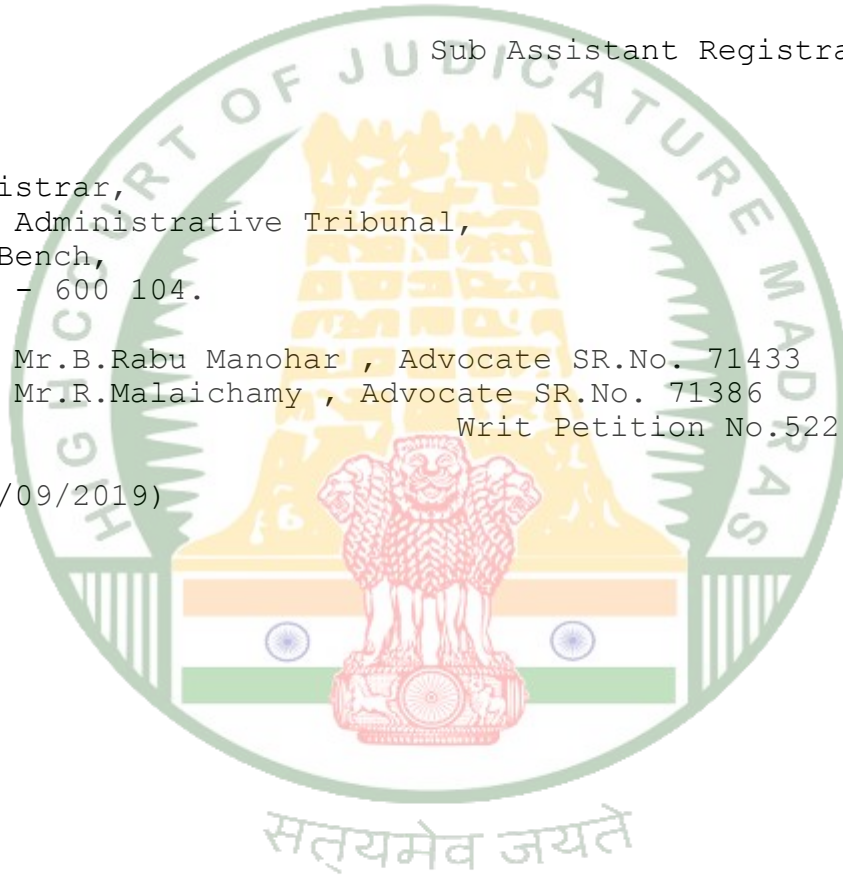
+1cc to Mr.B.Rabu Manohar , Advocate SR.No. 71433

+1cc to Mr.R.Malaichamy , Advocate SR.No. 71386

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mr

A.SK(26/09/2019)



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