



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 14611 of 2021
and
W.M.P. No. 15492 of 2021

1. Union of India, Rep., by
The Chief Postmaster General,
Tamil Nadu Circle,
Chennai-600 002.
2. Postmaster General,
Chennai City Region,
Chennai-600 002.
3. Senior Superintendent of Post Offices,
Tambaram Postal Division,
Chennai-600 045. ... Petitioners

Vs.

1. K.Murugappan
2. The Registrar
Central Administrative Tribunal
Chennai. ... Respondents

Prayer :

Petition filed under Section Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the order passed by the Second Respondent in OA /310/00257/2017 dated 07.06.2018 and quash the same.

For Petitioner : Mr. V.Chandrasekaran



ORDER

(Order of the Court was passed by N.KIRUBAKARAN, J)

WEB COPY This Writ Petition has been filed challenging the order of the Central Administrative Tribunal made in OA. No. 310/00257/2017 dated 07.06.2018.

2. Heard Mr. V.Chandrasekaran, Learned Counsel for the Petitioner and perused the materials placed on record, apart from the pleadings of the parties.

3. It is evident from the records that the First Respondent's father, viz., N.Kuppan, died in harness on 10.04.1996, while he was working as a Postmaster. At the time of his father demise, the First Respondent was a minor and on attaining the age of majority, he submitted an application seeking compassionate appointment during the year 2001, which was not considered till 2010, on the ground that all compassionate appointment cases were sub-judice and no decision was taken.

4. Subsequently, the application of the First Respondent was considered by the Circle Regularization Committee (CRC) meeting, held in the year 2012 and 2015 and rejected the claim of the First Respondent on 18.01.2017, on the ground that the First Respondent's family no longer needed support by way of compassionate appointment. Aggrieved thereby, the First Respondent has filed an Application before the Second Respondent, viz., Central Administrative Tribunal, Madras Bench.

5. The Tribunal, taken into consideration of the pecuniary situation of the family as on the date of the employees's death or as on the date of the application made by the dependent of the deceased Government servant, which was not considered by the CRC, directed the Petitioners to re-consider the case of the First Respondent. It is well settled position of law that the relevant criteria should be the financial condition of the family as on the date of the death of the Government servant and neither the date of the application nor the scrutiny of the application should be the criteria. Accordingly, the Tribunal rightly set aside the order passed by the Petitioners, and remanded the matter on the file of the Petitioners to re-consider the issue afresh within a period of three months from the date of receipt of a copy of that order.

6. Therefore, this Court does not find any illegality in the order passed by the Second Respondent-Central Administrative Tribunal and the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is also closed. No costs.



7. Taking into consideration of the facts that the employee died on 10.04.1996, the application for compassionate appointment made by the First Respondent during the year 2001, the rejection order was passed in the year 2017 and the order of the Central Administrative Tribunal was also passed as early as 07.06.2018, the Petitioners are directed to re-consider the case of the First Respondent and pass orders on or before 05.08.2021, after affording opportunity of hearing to the First Respondent and file a compliance report on 06.08.2021 before this Court.

8. Call the matter for reporting compliance on 06.08.2021.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Registrar
Central Administrative Tribunal
Chennai.
2. The Chief Postmaster General,
Tamil Nadu Circle,
Chennai-600 002.
3. Postmaster General,
Chennai City Region,
Chennai-600 002.
4. Senior Superintendent of Post Offices,
Tambaram Postal Division,
Chennai-600 045.

W.P.No.14611 of 2021

PBM(CO)
CT/28/07/2021