

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

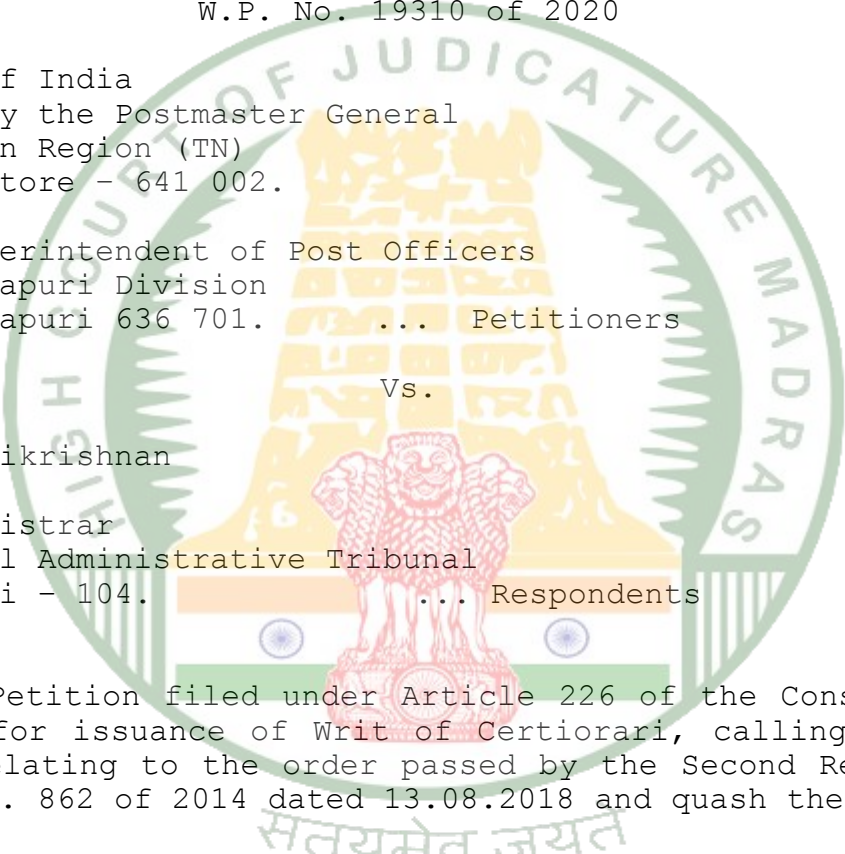
CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P. No. 19310 of 2020

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1. Union of India
Rep. by the Postmaster General
Western Region (TN)
Coimbatore - 641 002.
 2. The Superintendent of Post Officers
Dharmapuri Division
Dharmapuri 636 701. ... Petitioners
- Vs.
1. P.Muralikrishnan
 2. The Registrar
Central Administrative Tribunal
Chennai - 104. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the order passed by the Second Respondent in O.A. No. 862 of 2014 dated 13.08.2018 and quash the same.

For Petitioner : Mr. V.Chandrasekaran

ORDER

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

This Writ Petition has been filed challenging the order dated 13.08.2018 passed in O.A. No. 862 of 2014 by the Second Respondent /the Central Administrative Tribunal, by which the Tribunal directed the Petitioners to place the matter before the Circle Relaxation Committee (CRC) for the assessment of the financial condition of the family of the deceased government employee and award of relative merit points as on the date of death of the employee and appointed the son on the ground of compassionate appointment in the post of Postal Assistant.

2. The First Respondent's father viz., Paramathma died on 30.04.2000 due to heart attack. At that time he was employed in the Second Respondent office. Therefore, the First Respondent's mother sought for compassionate appointment. She was not granted compassionate appointment for reasons best known to the Petitioners. Meanwhile, the First Respondent attained majority in the year 2007 and applied for compassionate appointment, which was also not considered upto 2012. Thereafter, the case of the / First Respondent was considered and the First Respondent was not found to be indigent enough to be accommodated under the 5% direct recruitment vacancy quota for compassionate appointment, which compelled the First Respondent to approach the Tribunal. The Tribunal held that (taking into consideration both the parties condition found that) the financial condition of the family at the time of death of the Government employee alone should be taken into consideration for compassionate appointment, whereas, the Petitioners assessed the financial condition of the family of the First Respondent as well as the First Respondent's mother as on the date of consideration and not as on the date of the death of that employee.

3. In view of that, the Tribunal directed to place the First Respondent's case before the Circle Relaxation Committee (CRC) for the assessment of financial condition of the family of the deceased employee and award of relative merit points as on the date of death of the employee and had appointed the First Respondent to the post of Postal Assistant. The said order has been challenged before this Court.

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

5. It is an admitted case that the First Respondent's father died on 30.04.2000. The First Respondent's mother applied for compassionate appointment, which was not considered. Therefore, on attaining majority the First Respondent also applied for compassionate appointment. Both the applications, thereafter, were considered and marks were awarded as per the Circle Relaxation Committee scheme and the First Respondent's mother was awarded 69 merit points and she was coming within the zone of compassionate appointment to the post of Postal Assistant. Though it is stated by the Petitioners that the First Respondent's mother was offered the post, she sought employment under compassionate appointment for her son, who did not get the required merit points and therefore, he was not given. At the time of admission, this Court directed as to whether the First Respondent's mother was offered compassionate appointment. Mr.L.Chandrasekaran, Learned Counsel for the Petitioners states that there was no offer

letter of compassionate appointment issued to the First Respondent's mother.

6. Further it is evident from the order passed by the Tribunal that the Petitioner considered the financial condition of the family as on the date of the application and not as on the date of the death of the employee. The compassionate appointment is given only to tide over / overcome the financial crisis due to sudden and untimely death of Government employee. Therefore, the relevant date of compassionate appointment is only the date of the death of the employee and not the date of consideration of the application. The Petitioners, therefore, wrongly approached the mother and has not considered the First Respondent's case by considering the financial condition of the family at the time of death of the employee. Therefore, the Tribunal has rightly directed the Petitioners to arrange to place the matter before the Circle Relaxation Committee (CRC) for assessment of the financial condition of the family and award of relative merit points as on the date of the death of the employee and rightly, further directed the Petitioners to grant compassionate appointment to the Respondent as Postal Assistant. Therefore, there is no merit in the Writ Petition and the same is liable to be dismissed. Therefore, the Petitioners are directed to do the exercise as directed by the Tribunal within a period of four (4) weeks from the date of receipt of a copy of this Court and file a compliance report by 26.07.2021.

7. With the above direction, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Postmaster General
Western Region (TN)
Coimbatore - 641 002.

2. The Superintendent of Post Officers
Dharmapuri Division
Dharmapuri 636 701.

3. The Registrar
Central Administrative Tribunal
Chennai - 104.

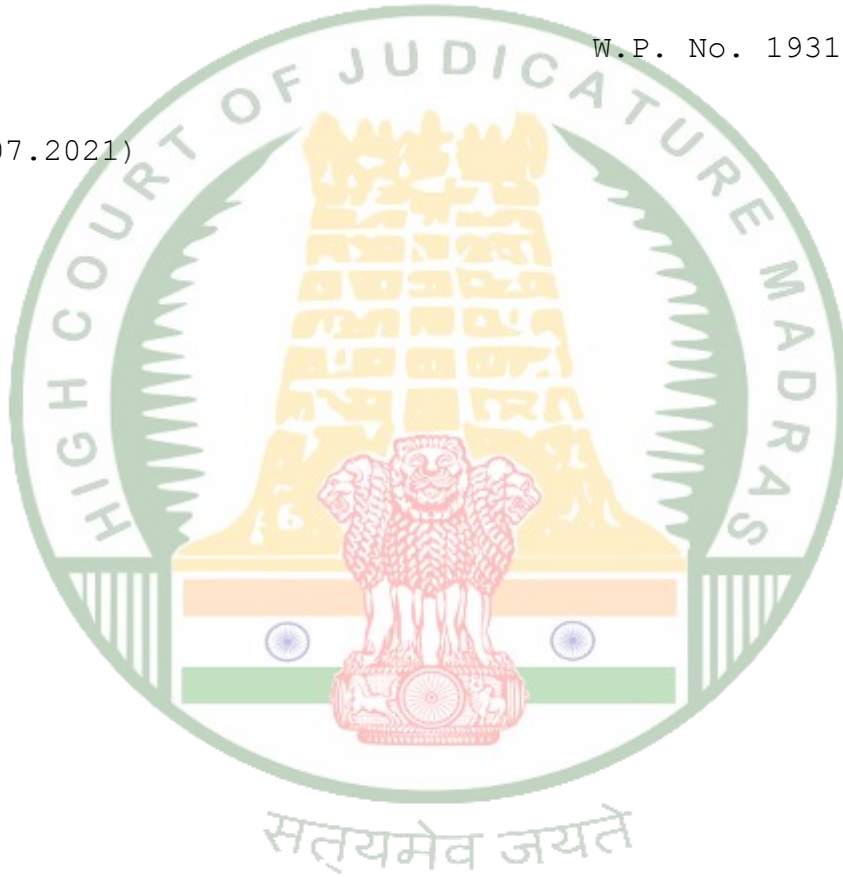
Copy to :

The Section Officer, Writ Section, High Court,
Madras - 104

+1CC to Mr.V.Chandrasekaran, Advocate, Sr.No.28680

W.P. No. 19310 of 2020

LN(CO)
A.SK (12.07.2021)



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