



WEB COPY



W.P.No.831 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

W.P.No.831 of 2024

Smt.M.Vanitha Vani

... Petitioner

-Vs-

- 1.Union of India
Rep.by the Secretary
Ministry of Communications and I.T.,
Department of Posts, Dak Bhavan
Sansad Marg, New Delhi.
- 2.The Chief Postmaster General
Tamil Nadu Circle, Anna Salai
Chennai.
- 3.The Post Master General
Chennai City Region
Chennai - 600 002.
- 4.The Superintendent of Post Offices
Kanchipuram Division, Kanchipuram.
- 5.The Inspector of Post Offices
Tiruttani West Sub Division
Tiruttani, Thiruvallur District.
- 6.The Registrar
Central Administrative Tribunal
Madras Bench, Chennai 600 104.

... Respondents



W.P.No..831 of 2024

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order in OA No.310/00888/2022 of the 6th respondent dated 03.10.2023 and quash the orders passed therein and consequently direct the respondents 1 to 5 to provide the employment to the petitioner on compassionate ground.

For Petitioner : Mr.L.Dhamodharan

For Respondents : Mr.M.Ramamoorthy
Senior Panel Counsel - for R1 to R5

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

The petitioner's father was working in the respondent Postal Department and he died in harness in the year 2011. Thereafter, on behalf of the petitioner, application was made on 03.04.2013 to seek for compassionate appointment. The petitioner is the daughter of the deceased employee, who was also got married.

2. Therefore, the said application was rejected. Unmindful of the rejection order, once again a representation seems to have been made on 04.07.2018 on behalf of the petitioner, that was also rejected by the department by order dated 26.07.2018. Again unmindful of the second rejection made by the department, once again a representation has been made by the petitioner on 28.03.2019, which was also rejected by the department by order dated 08.04.2019. None of these orders were put under challenge by the petitioner at any point of time.



W.P.No..831 of 2024

WEB COPY

3. Again the petitioner had given another representation on 05.02.2021. That was again rejected on 02.03.2021 by passing the following order:

" With reference to your letter cited above, Regional Office has communicated the CO instructions that as per Directorate order dated 05.03.2020, your case has already been reviewed as a one-time measure and has not been recommended and there is no provision to reopen the case further."

4. This order has been under challenge before the Central Administrative Tribunal (CAT), Chennai Bench in O.A.No.310/00888 of 2022. The Tribunal, having considered the relative merits of the case, was pleased to reject the said application and the OA was dismissed by the order impugned dated 03.10.2023. Aggrieved over the same, the present writ petition has been filed.

5. Heard Mr.L.Damodharan, learned counsel appearing for the petitioner and Mr.M.Ramamoorthy, Senior Panel Counsel for the Central Government appearing for the respondents.

6. Insofar as the plea with regard to the compassionate appointment earlier made by the petitioner in the year 2013 which was rejected is concerned, that order



W.P.No..831 of 2024

was not challenged. It seems that once again an application / representation was made by the petitioner on 04.07.2018, which was also rejected on 26.07.2018. Again, another representation was made on 28.03.2019 That was also rejected on 08.04.2019, where reasons have been adduced by the respondent department stating that the petitioner is a married woman. Therefore, as per the Scheme which was in vogue, the petitioner is not entitled to seek for compassionate appointment. Insofar as the said reason cited by the department is concerned, whether it is sustainable or not has never been questioned by the petitioner by making any challenge to the order dated 26.07.2018 or 08.04.2019.

7. These orders passed against the petitioner still holds good, as the orders have been kept intact as that had not been put under challenge. Therefore the petitioner, unmindful of the earlier rejection orders, since has come forward with one more application on 05.02.2021, the position that already been made clear has been reiterated by the respondent department through order dated 02.03.2021, which alone is under challenge in the present O.A. Therefore that was not entertained by the Tribunal and they rejected the O.A., of course rightly. Therefore, we do not find any error in the said approach and the conclusion arrived by the Tribunal in the impugned order.

8. In view of the same, this writ petition fails and hence it is liable to be dismissed, accordingly it is dismissed. No costs. It is made clear that the dismissal



W.P.No..831 of 2024

of the writ petition will not preclude the rights of the petitioner to challenge the earlier rejection orders in the manner known to law, if she is advised to do so.

(R.S.K.,J.) (K.B.,J.)
12.01.2024

Index : Yes
Internet : Yes
Neutral Citation : Yes
KST

To

- 1.The Secretary to Government
Ministry of Communications and I.T.,
Department of Posts, Dak Bhavan
Sansad Marg, New Delhi.
- 2.The Chief Postmaster General
Tamil Nadu Circle, Anna Salai
Chennai.
- 3.The Post Master General
Chennai City Region
Chennai - 600 002.
- 4.The Superintendent of Post Offices
Kanchipuram Division, Kanchipuram.
- 5.The Inspector of Post Offices
Tiruttani West Sub Division
Tiruttani, Thiruvallur District.
- 6.The Registrar
Central Administrative Tribunal
Madras Bench, Chennai 600 104.



WEB COPY



W.P.No.831 of 2024

R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.

KST

W.P.No.831 of 2024

12.01.2024