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W.P.Nos.11872 of 2019 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.Nos.11872, 31770, 12007, 12394, 27987, 8811,
9300 of 2019, 1002 of 2020

S.Karthick Raja	..	Petitioner in W.P.No.11872 of 2019
M.Murugavel	..	Petitioner in W.P.No.31770 of 2019
V.Rathinam	..	Petitioner in W.P.No.12007 of 2019
M.Saravanan	..	Petitioner in W.P.No.12394 of 2019
S.Saravanan	..	Petitioner in W.P.No.27987 of 2019
D.Rajapandian	..	Petitioner in W.P.No.8811 of 2019
A.Mohanraj	..	Petitioner in W.P.No.9300 of 2019
R.Zaheer Khan	..	Petitioner in W.P.No.1002 of 2020

v.

1. The Union of India
rep. by the Chief Post Master General
Tamil Nadu Circle
Chennai 600 002 .. 1st respondent in all the W.P's
2. The Senior Superintendent of Post Offices
Nilgiris Division
Uthagamandalam 643 001 .. 2nd respondent in WP.11872/2019



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3. The Superintendent of Post Offices
Pollachi Division
Pollachi 642 001 .. 2nd respondent in WP.31770/2019
4. The Senior Superintendent
of Post Offices
Madurai Division
Madurai 625 002 .. 2nd respondent in WP.12007/2019
5. The Senior Superintendent of Post Offices
Thiruvannamalai Division
Thiruvannamalai
Thiruvannamalai District .. 2nd respondent in WP.12394/2019
6. The Senior Superintendent of Post Offices
Salem East Division
Salem 636 001 .. 2nd respondent in WP.27987/2019
7. The Senior Superintendent of Post Offices
Chennai City Central Division
Chennai 600 017 .. 2nd respondent in WP.8811/2019
8. The Senior Superintendent of Post Offices
RMS 'T' Division
Tiruchirapalli 620 001 .. 2nd respondent in WP.9300/2019
9. The Senior Superintendent of Post Offices
Tambaram Division
Tambaram 600 045 .. 2nd respondent in WP.1002/2020
10. The Central Administrative Tribunal
Chennai Bench rep. by its
Deputy Registrar
Chennai 600 104 .. 3rd respondent in all the W.P's.



W.P.Nos.11872 of 2019 etc.

W.P.No.11872 of 2019 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent in OA/310/00215/2017 dated 12.09.2018 and quash the same and direct the respondents 1 and 2 to appoint the petitioner on compassionate grounds in any suitable job and grant him all consequential benefits.

W.P.No.31770 of 2019 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent in OA/310/00674/2016 dated 12.09.2018 and quash the same and direct the respondents 1 and 2 to appoint the petitioner on compassionate grounds in any suitable job and grant him all consequential benefits.

W.P.No.12007 of 2019 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent in OA/310/00553/2016 dated 12.09.2018 and quash the same and direct the respondents 1 and 2 to appoint the petitioner on compassionate grounds in any suitable job and grant him all consequential benefits.

W.P.No.12394 of 2019 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent in OA/310/00728/2016 dated 12.09.2018 and quash the same and direct the respondents 1 and 2 to appoint the petitioner on compassionate grounds in any suitable job and grant him all consequential benefits.

W.P.No.27987 of 2019 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent in OA/310/00008/2017 dated 12.09.2018 and quash the same and direct the respondents 1 and 2 to appoint the petitioner on compassionate grounds in any suitable job and grant him all consequential benefits.



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W.P.No.8811 of 2019 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent in OA/310/00657/2016 dated 12.09.2018 and quash the same and direct the respondents 1 and 2 to appoint the petitioner on compassionate grounds in any suitable job and grant him all consequential benefits.

W.P.No.9300 of 2019 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent in OA/310/01306/2018 dated 03.10.2018 and quash the same and direct the respondents 1 and 2 to appoint the petitioner on compassionate grounds in any suitable job and grant him all consequential benefits.

W.P.No.1002 of 2020 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent in OA/310/00559/2016 dated 12.09.2018 and quash the same and direct the respondents 1 and 2 to appoint the petitioner on compassionate grounds in any suitable job and grant him all consequential benefits.

For Petitioners	::	Mr.P.Rajendran
For Respondents	::	Mr.V.Balasubramanian
		Senior Panel Counsel for R1 & R2
		in W.P.Nos.11872, 12007, 12394,
		8811, 9300 of 2019
		Mr.K.Venkatasamy Babu
		Senior Panel Counsel for R1 & R2
		in W.P.No.31770 of 2019
		Mr.V.Ashok Kumar
		Central Govt. Standing Counsel
		for R1 & R2 in W.P.No.1002 of 2020
		No appearance for R1 & R2
		in W.P.No.27987 of 2019
		R3-Tribunal



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ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

Under assail is the order dated 12.09.2018 passed in O.A.Nos.215 of 2017, 674, 553, 728 of 2016, 8 of 2017, 657, 559 of 2016 and the order dated 03.10.2018 passed in O.A.No.1306 of 2018 respectively, on the file of the Central Administrative Tribunal, Chennai Bench. Since the issues are common, all the writ petitions are taken up together and disposed of by this common order.

2. For convenience, the facts as pleaded in W.P.No.11872 of 2019 are referred to in this order. The petitioner submitted an application seeking appointment on compassionate grounds due to the death of his father, late Mr.D.Sivaraj, who worked as a Postman at the Bedford Post Office, Coonoor. The father of the petitioner died on 16.09.2005, while he was in service leaving behind his wife, two sons and one daughter as his legal heirs.

3. On account of the sudden death of Mr.D.Sivaraj/employee, the



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family claimed that they were in indigent circumstances and consequently the mother of the petitioner filed an application seeking appointment on compassionate grounds under the scheme. But no reply was received with regard to her appointment. Since the petitioner has passed SSLC, he submitted an application seeking compassionate appointment. However, his application was rejected by the Senior Superintendent of Post Offices, Nilgiris Division in proceedings dated 08.09.2015 stating that the Circle Relaxation Committee did not recommend his case for the reasons that the family of the deceased employee was less indigent as per relative merit points and the non-availability of direct recruitment vacancies.

4. The petitioner filed O.A.No.215 of 2017 before the Central Administrative Tribunal and the Tribunal, by order dated 12.09.2018, agreeing with the findings of the Committee and the respondents 1 & 2, dismissed his original application. Challenging the said order, W.P.No.11872 of 2019 came to be instituted. Since the original applications filed by similarly placed persons were also rejected by the Tribunal vide the orders dated 12.09.2018 & 03.10.2018, the other writ petitions have been



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filed by the respective petitioners.

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5. The learned counsel for the petitioners would submit that since the family of the petitioners were in indigent circumstances during the relevant point of time on account of the sudden death of the respective breadwinner, the applications for compassionate appointment ought to have been favourably considered. Furthermore, the relative merit points and the methodology adopted were not communicated to the petitioners, which resulted in institution of the original applications before the Tribunal.

6. It is further contended that non-consideration of the names of the petitioners for compassionate appointment is perverse, as the purpose of the scheme is to provide assistance to the legal heirs of the deceased employees. Therefore, the Tribunal has committed an error in not issuing the direction as such sought for in the original applications.

7. The learned Senior Panel Counsel appearing on behalf of the respondents 1 & 2 would oppose by stating that the cases of the petitioners



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were considered as per the terms and conditions stipulated under the scheme of compassionate appointment. The relative merits must be evaluated among applicants seeking compassionate appointments. The learned counsel would further submit that the Circle Relaxation Committee has to consider all the applications and to determine the relative merits between the families of the applicants for the purpose of providing appointment on compassionate grounds. However, the cases of the petitioners were considered by the Committee and they have not fallen under the zone of consideration. Therefore, order of rejections were issued. Whenever the Committee identify the eligible family for providing employment assistance, the same will be provided subject to the availability of the vacancies earmarked for compassionate appointments. The case of the petitioners also will be considered when the petitioners fall within the zone of consideration.

8. We have considered the rival submissions made between the learned counsel for the petitioners and the learned Senior Panel Counsel appearing on behalf of the respondents 1 & 2.

9. The scheme of compassionate appointment is a concession, not an



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absolute right. The scheme is not falling under the constitutional scheme of appointments. Scheme being violative of Articles 14 and 16 of the Constitution of India, appointments on compassionate grounds are to be made scrupulously adhering to the eligibility criteria fixed under the scheme by the Union of India.

10. Compassionate appointments can never be claimed as an absolute right. All appointments are to be made strictly under the constitutional scheme and by following the procedures as contemplated under the Recruitment Rules.

11. Compassionate appointments, if provided to larger extent, would result in infringement of the fundamental rights of citizens, who all are aspiring to secure public employment through open competitive process. Compassionate appointment being a special scheme, it is to be implemented only to the extent of providing employment assistance to the deserving families, which are to be identified by following the eligibility criteria fixed by the employer concerned.



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12. Lakhs and lakhs of youth of our great Nation are longing to secure employment through open competitive process. No merit assessment has been made under the scheme of compassionate appointment. Rule of reservation is not followed. Death of an employee alone is taken into consideration for providing public appointment to one of the legal heirs of the family of the deceased employee. While so, the benefit is to be extended by assessing the penurious circumstances of the family concerned and the other criteria fixed for providing appointment on compassionate grounds. Mere death of an employee alone is not the criteria for providing appointment on compassionate grounds.

13. The primary object is not to provide one appointment to the family of the deceased employee. The purpose and object is to mitigate the circumstances arising on account of the sudden death of an employee and considering the family's indigent circumstances. The overall income of the family and other aspects are to be considered by the Committee meticulously for the purpose of providing appointment on compassionate grounds.



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14. The Government of India constituted the Circle Relaxation Committee to assess the applications filed. The Committee scrutinizes applications considering the case of the applicants based on relative merits, indigent circumstances, and availability of vacancies earmarked for compassionate appointments.

15. This being the basis and criteria for the purpose of accepting or rejecting the applications, this Court do not find reason to interfere with the findings made by the Central Administrative Tribunal, which is in consonance with the established principles to be adopted in the matter of providing appointment on compassionate grounds. As rightly held by the Central Administrative Tribunal, if the case of applicants is found within the zone of consideration as per the eligibility criteria fixed under the scheme of compassionate appointment, it is to be considered by scrupulously following the terms and conditions.

16. With these observations, the orders impugned passed by the third respondent/Central Administrative Tribunal, Chennai Bench dated



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12.09.2018 & 03.10.2018 stand confirmed and all the writ petitions are

dismissed. No costs.

Index : yes

Neutral citation : yes

(S.M.S.,J.) (M.J.R.,J.)

07.11.2024

SS

To

1. The Chief Post Master General
Tamil Nadu Circle
Chennai 600 002
2. The Senior Superintendent of Post Offices
Nilgiris Division
Uthagamandalam 643 001
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10. The Deputy Registrar
Central Administrative Tribunal
Chennai Bench
Chennai 600 104



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

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