



WEB COPY



W.P.No.14020 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.14020 of 2019

T.Suresh

... Petitioner

Vs.

1.The Union of India,
Represented by The Chief Post Master General,
Tamil Nadu Circle, Chennai – 600 002.

2.The Senior Superintendent of Post Offices,
Chennai City Central Division,
Chennai – 17.

3.The Central Administrative Tribunal,
Chennai Bench,
represented by its Deputy Registrar,
Chennai – 600 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 3rd respondent in OA.No.698 of 2016 dated 12.09.2018 and quash the same and direct the respondents 1 and 2



W.P.No.14020 of 2019

to appoint the petitioner on compassionate grounds in any suitable job and grant him all consequential benefits.

For Petitioner : Mr.P.Rajendran

For R1 & R2 : Mr.AR.L.Sundaresan
Additional Solicitor General of India
Assisted by Mr.N.Ramesh
Senior Panel Counsel

For R3 : Tribunal

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

Under assail is the order dated 12th September, 2018 passed in OA/310/00698/2016 on the file of the Central Administrative Tribunal, Chennai Bench.

2. The petitioner submitted an application seeking appointment on compassionate grounds due to the death of his father, Late Mr.G.Thulasiraman, who worked as Postman at Triplicane Sub Office, Chennai. The father of the petitioner died on 23.07.2002, leaving behind his



W.P.No.14020 of 2019

family in indigent circumstances.

WEB COPY

3. On account of the sudden death of the Mr.G.Thulasiraman / employee, the family claimed that they were in indigent circumstances and the petitioner filed an application immediately after the death of his father seeking appointment on compassionate grounds on 17.09.2002. Since no action was taken, he filed O.A.No.828 of 2012 before the Central Administrative Tribunal, Chennai Bench. The petitioner subsequently came to understand that the Circle Relaxation Committee had not recommended the case of the petitioner for appointment on compassionate grounds, since the Committee found that the family of the deceased employee is less indigent as per the relative merit and due to non-availability of the vacancies.

4. The petitioner states that the relative merit point system was brought into force only on 20.01.2010. Therefore, the said reason assigned by the respondents are untenable. However, the petitioner was allowed to work in leave vacancies of GDS /Mailman at PRI Mails, Chennai, and has continued to do so since then.

5. The petitioner states that his family was in indigent circumstances on



W.P.No.14020 of 2019

account of sudden death of his father. After constituting the Circle Relaxation Committee during the earlier 2015, the case of the petitioner was placed for consideration and it was not recommended on the ground that the family of the petitioner is less indigent as per the relative merit point under RRR quota. The petitioner filed O.A.No.689 of 2016 before the Central Administrative Tribunal. The said application was dismissed by the Tribunal on 12.09.2018, which resulted in institution of the present writ petition.

6. The learned counsel for the petitioner would submit that the family of the petitioner is in indigent circumstances during the relevant point of time on account of the sudden death of the father of the petitioner. Thus, the application made in time ought to have been considered pursuant to the directions issued by the Central Administrative Tribunal.

7. It is further contended that non consideration of the name of the petitioner for compassionate appointment is perverse, as the scheme's purpose is to provide assistance to the legal heirs of the deceased employee. Therefore, the Tribunal has committed an error in not issuing a direction as such sought for in the original application.



W.P.No.14020 of 2019

8. Mr.AR.L.Sunderesan, learned Additional Solicitor General of India appearing on behalf of the respondents would oppose by stating that the case of the petitioner was considered as per the terms and conditions stipulated under the scheme of compassionate appointment. The relative merits must be evaluated amongst applicants seeking compassionate appointments.

9. Learned Additional Solicitor General of India would further submits 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 case of the petitioner was considered thrice by the Committee and he was not within 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 availability of vacancies earmarked for compassionate appointments. The case of the petitioner will be considered, when the petitioner falls within the zone of consideration.



W.P.No.14020 of 2019

10. We have considered the rival submissions made between the learned counsel for the petitioner and the learned Additional Solicitor General of India appearing on behalf of the respondents.

11. The scheme of compassionate appointment is a concession, and not an 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, appointment on compassionate grounds are to be made scrupulously, adhering to the eligibility criteria fixed under the scheme by the Union of India.

12. 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.

13. Compassionate appointments, if provided to larger extent, it would result in infringement of 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



W.P.No.14020 of 2019

only to the extent of providing employment assistance to the most deserving families to be identified by following the eligibility criteria fixed by the employer concerned.

14. 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 Reservations are not followed. Death of an employee alone is taken into consideration for providing a public appointment to one of the legal heir of the family of the deceased employee. While so, the benefit is to be extended by assessing the penurious circumstances of the family and the other criteria fixed for providing appointment on compassionate grounds. Mere death of an employee alone is not a criteria for providing an appointment on compassionate grounds.

15. 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 over all income of the family and other aspects are to be considered by the Committee meticulously



W.P.No.14020 of 2019

for the purpose of providing an appointment on compassionate ground.

WEB COPY

16. The Government of India constituted the Circle Relaxation Committee to assess 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.

17. Since scheme of compassionate appointment is a concession, and not a right, this Court do not find any reason to interfere with the findings made by the Central Administrative Tribunal, which all are in consonance with the established principles to be adopted in the matter of providing an appointment on compassionate grounds. As rightly held by the Central Administrative Tribunal, if the case of the applicant is found within the zone of consideration as per the eligibility criteria fixed under the scheme of compassionate, it is to be considered by scrupulously following the terms and conditions.



W.P.No.14020 of 2019

WEB COPY18. With the above observations, the order impugned passed by the Central Administrative Tribunal / 3rd respondent in OA.No.698 of 2016 dated 12.09.2018 stands confirmed and the Writ Petition is dismissed. No costs.

[S.M.S., J.] [M.J.R., J.]
04.11.2024
(2/2)

Index : Yes
Speaking order / Non-speaking order
Neutral Citation : Yes

Jeni

To

- 1.The Chief Post Master General,
The Union of India,
Tamil Nadu Circle, Chennai – 600 002.
- 2.The Senior Superintendent of Post Offices,
Chennai City Central Division,
Chennai – 17.
- 3.The Deputy Registrar,
The Central Administrative Tribunal,
Chennai Bench,
Chennai – 600 104.



WEB COPY



W.P.No.14020 of 2019

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

Jeni

W.P.No.14020 of 2019

04.11.2024
(2/2)