



W.P.No.11941 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.11941 of 2025

D.Selma Missier

... Petitioner

Versus

Union of India

Rep.by

The Chief Post Master General

Tamilnadu Circle

Chennai-2

...Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining to Order in O.A/310/01014/2023 dated 10.10.2024 on the file of the respondent and quash the same as the certificate issued by the Revenue

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Authority the land under poromboke (Government land), as the total points comes to 49 from 42 and the petitioner is eligible for the post of MTS recommended candidates by the Circle Relaxation Committee (CRC) for the year 2017-18 and to extend all service benefits like similarly situated employees working under Department of post.

For Petitioner : Dr.K.Manoharan

For Respondents : Mr.A.Kumaraguru
Senior Panel Counsel

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

Challenging the order of the Tribunal dated 10.10.2024 rejecting the case of the petitioner for compassionate appointment on account of death of her mother, the present writ petition has been filed.

2. The petitioner's mother was working as a Sorting Assistant in the respondent Department and while in service, she died due to cardiac arrest on 08.03.2017. Hence, the petitioner sent a representation to the respondent seeking compassionate appointment, but the same has been rejected due to lower merit point. The petitioner sent another representation on 13.07.2021,

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but the respondent did not pass any orders in the said representation. Hence,

the petitioner filed O.A.No.101 of 2022 and the same was disposed of

directing the respondent to consider and pass orders on the representation of

the petitioner. Thereafter, the respondent rejected the application vide order

dated 30.05.2022 stating that the petitioner's case was considered by the

Circle Relaxation Committee for the year 2017-2018, but not recommended

for appointment. After receiving the said order, the petitioner once again

sent a representation for giving additional marks, as the immovable property

possessed by the petitioner is a poromboke land and the statement of her

father that it is worth Rs.5 lakhs is not correct, which was also rejected by

the respondent vide order dated 16.08.2022 and that the original application

filed challenging the said order was also disposed of at the admission stage

directing the petitioner to file a fresh and comprehensive representation and

directing the competent authority to consider the same and pass a reasoned

order. The respondent again rejected the petitioner's case vide order dated



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04.09.2023 stating that marks awarded for the petitioner could not be revisited as there is no infirmity in awarding of marks. Challenging the said order dated 04.09.2023, the petitioner filed O.A.No.310/01014/2023, which was disposed by the Tribunal vide the impugned order. Hence, the present writ petition.

3. It is the contention of the petitioner that in stead of three marks, the petitioner should have been awarded 10 marks. According to learned counsel for the petitioner, the petitioner did not have any immovable property on her own.

4. The learned Senior Panel Counsel for the respondent submitted that while giving declaration, the petitioner gave a declaration that she owns a house property worth about Rs.5 lakhs. That apart, as per the guidelines issued in Letter No.37-36/2024-SPB-I/C, dated 20.01.2010, the appointments could be made to the deserving applicants upto a maximum of 5% of vacancies falling under Direct Recruitment quota available for the



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year. In the overall assessment, the petitioner has secured only 41 Relative Merit Points for the year 2017-18. Since the petitioner secured less marks than the RMP of recommended candidates and non-availability of Direct Recruitment (DR) vacancy in the respective cadre under RRR quota, the case of the petitioner was not considered.

5. We have perused the entire materials placed before us.

6. On a careful perusal of the impugned order, it is seen that the Tribunal found that the petitioner herself declared that she is owning an immovable property to an extent of 2400 sq.ft. Further, it is also ascertained that the petitioner is working in a leading multinational company from the year 2014 for 9 years and she has been promoted as Team Leader in January 2023 and therefore, the case of the petitioner was rejected by the respondent.

7. When the petitioner herself has given a declaration that she owns the immovable property, now she cannot contend that the property is not



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belonging to her. The guidelines issued in Letter No.37-36/2004-SPB-I/C

dated 20.01.2010 reads as follows:

"The efficacy of the Scheme is based on its transparency. It is this aspect, which is foremost and hence while considering a request for appointment on Compassionate grounds by a Committee, a balanced and objective assessment of the financial condition of the family has to be made taking into consideration its assets and liabilities and all other relevant factors such as the presence of earning member, size of the family, ages of the children and the essential needs of the family etc. This is done to assess the degree of indigence among all the applicants considered for compassionate appointment within the prescribed ceiling of 5% of the direct recruitment vacancies."

8.The above guidelines makes it clear that the Circle Relaxation Committee is required to follow the valuation of the assets and liabilities and is not expected to go into the details of the legality/saleability/mortgageability of the assets and the said exercise is primarily to assess the degree of indigence of the family.

9. Be that as it may, as the petitioner has given the declaration that she



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owns immovable property, now she cannot be heard to contend that she has no other income and her mother was the sole breadwinner of the family.

That apart, it is also ascertained that the petitioner is working in a MNC company for the past 9 years and has been promoted to the post of Team Leader from the year 2023. The very object of the compassionate appointment is to alleviate the sufferings of the family, which lost the breadwinner. In the instant case, the petitioner herself is employed and she also owns a property and hence, she cannot demand that higher marks should be awarded to her. There is no merit in the writ petition.

Accordingly, this writ petition is dismissed. There shall be no order as to costs.

[N.S.K.,J.] [M.J.R.,J.]
19.11.2025

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