



Writ Petition No.20758 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
19.02.2026

PRONOUNCED ON
27.02.2026

CORAM
THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

Writ Petition No.20758 of 2024
and W.M.P.No.22700 of 2024

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

2.The Senior Superintendent of Post Offices,
Chennai City North Division,
Chennai – 600 008.

... Petitioners

Vs

1.K.Mohanakrishnan

2.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai – 600 104.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records related to the order passed in O.A.No.225/2022, dated 05.04.2023 passed by the second respondent and quash the same and pass further orders.



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For Petitioners : Mr.A.R.L.Sundaresan
Additional Solicitor General
assisted by Mr.C.Samivel

For R1 : Mr.R.Malaichamy

For R2 : Tribunal

ORDER

(Order of the Court was made by Mr.K.KUMARESH BABU.,J.)

This writ petition has been filed by petitioners challenging the order of the Tribunal passed in O.A.No.225/2022, dated 05.04.2023.

2. Heard Mr.A.R.L.Sundaresan, learned Additional Solicitor General assisted by Mr.C.Samivel, learned counsel appearing on behalf of the petitioners and Mr.R.Malaichamy, learned counsel appearing on behalf of the first respondent.

3. Mr.A.R.L.Sundaresan, learned Additional Solicitor General appearing on behalf of the petitioners would submit that the first respondent had sought for compassionate appointment on the ground that his father, who was working as a Sub-Postmaster had died while in service and that also his mother, who was working as a Grade-D employee had also died

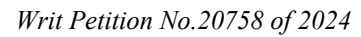


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while in service. He would submit that the first respondent had submitted an application immediately on the death of his father and such request was not considered owing to multi various litigations with regard to the appointment under compassionate grounds.

4. He would submit that the matter came to rest pursuant to a decision of the Hon'ble Apex Court and a Scheme for compassionate appointment was made. As per the said Scheme, 5% of the regular vacancies to be filled through direct recruitment was earmarked for granting compassionate appointments. As there were very many number of applications more than 5% of the direct vacancies that arose to be filled up through direct recruitment, a Scheme for providing relative merit points was envisaged and based upon the same, 5% vacancies were to be filled up on compassionate ground.

5. He would submit that the case of the first respondent was considered thrice and on each of the occasions, the relative merit points that was assigned to the first respondent did not meet with the relative merit points scored by the candidates who had been appointed on compassionate



6. He would submit that the claim of the first respondent had only been rejected as the relative merit points that he was awarded did not match the merit points of the persons who had been given appointment. He would submit that the case of the first respondent had only been decided on merits and the same had not been appreciated by the Tribunal. He would further submit that there are many number of persons waiting in seniority seeking compassionate appointment and only when the vacancy for direct appointment is notified, 5 % of the such vacancies are earmarked for compassionate appointment and the applications from the repeatedly rejected claimants could not be in perpetuity be taken up for consideration.



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7. He would submit that there has been a policy decision taken that if an applicant's claim for compassionate appointment had been considered for 3 times and rejected, the same again should not be recommended for the next CRC. Hence, he seeks indulgence of this Court on the orders impugned herein.

8. Mr.R.Malaichamy, learned counsel appearing for the first respondent on the other hand would submit that the first respondent's father had died while he was in service as early as in the year 2000 and immediately within the time stipulated he had made an application for compassionate appointment in the year 2002. The said application had not been considered by the petitioners and pending his application, his mother who was also in service as Group-D employee died in the year 2007. The first respondent again made an appeal seeking for compassionate appointment.

9. By an order in the year 2014, the claim of the first respondent was rejected which came to be challenged by him before the Central Administrative Tribunal, wherein a direction was issued to consider the



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claim of the first respondent. He would submit that the claim of the first respondent had been again rejected holding that the petitioners had not been awarded relative merit points meeting the merit points for appointment under compassionate grounds.

10. He would submit that the first respondent's seniority had been over-looked by fresh candidates in the subsequent CRCs which goes against the concept of compassionate appointment. He would submit that first respondent is suffering from penurious condition. He would further submit that even though, he was appointed in a substitute vacancy as an outsider, after he had initiated the *lis* in the year 2022, challenging the order of rejection, he had also been disengaged from service.

11. He would submit that the Tribunal had not given a positive direction to grant first respondent an appointment, but had only directed them to consider his case in the next CRC, which according to him cannot cause any grievance for the Writ Petition to be maintained by the petitioners. Therefore, he prays this Court to dismiss the Writ Petition with a direction to comply with the orders of the Tribunal.



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12. We have considered the rival submissions made by the learned counsels appearing on either side and perused the materials available on record.

13. The Scheme of compassionate appointment for the Postal Department is governed by a Scheme that was framed. Pursuant to the said Scheme, the claim of the first respondent had been evaluated by the Circle Relaxation Committee on three occasions and as the first respondent had been awarded much less relative merit points, he was unable to be accommodated in the 5% of the vacancies that was earmarked to be filled on compassionate grounds.

14. The Tribunal by relying upon the judgment of the Hon'ble Apex Court had held that the compassionate appointment has to be considered only on the basis of a policy at the time of the death of the concerned and had held that the orders of rejection passed pursuant to the said Scheme does not stand the scrutiny. It is to be noted that the Tribunal had only directed the consideration of the first respondent's claim in the next CRC .

15. It is to be noted that the CRC is contemplated only under the new



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Scheme and not under the old Scheme. It is to be noted that the first respondent himself had made application for his consideration only as per the new Scheme and repeatedly had been considered by the CRC and has been rejected as he did not achieve the relative merit points for the appointment.

16. As rightly pointed out by the learned Additional Solicitor General, a claim of a person who had not achieved the relative merit points by a margin cannot be considered in perpetuity, as number of applicants claiming compassionate appointment is always growing compared to the vacancies that arise in the Department.

17. In such view of the matter, we do not find any error in the policy decision to conclude finally that a claim for compassionate appointment could be rejected if such claim had been considered in 3 CRCs and not recommended for the reason that the applicant did not achieve the relative merit points for appointment.

18. As the first respondent himself had participated in the process as



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per the new Scheme, we are of the view that the Tribunal has erred in holding that his case could only be considered under the Scheme that was prevailing at that relevant point of time and not as per the new Scheme.

19. For the aforesaid reasons, we are inclined to interfere with the orders impugned herein. For the foregoing reasons, this Writ Petition stands allowed and the impugned order in O.A.No.225/2022, dated 05.04.2023 is set aside.

20. Before parting, we had noted that the Tribunal had recorded a factual finding that the first respondent had been appointed as a substitute from the year 2017, but had been disengaged from 20.02.2023. We take judicial notice of the fact for the Postal Department engages substitutes in the leave vacancy that arises either on a short-term or on a long-term, from the various cases that this Court had dealt with regarding to regularisation of such persons employed in leave vacancy arising in the Department. We make an earnest request to the first petitioner to accommodate the first respondent in the leave vacancy arising within its Circle and do the needful.



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20. Consequently, connected miscellaneous petition is also closed.

However, there shall be no order as to costs.

(C.V.K.,J.)

(K.B., J.)

27.02.2026

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Gba

To

The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai – 600 104.



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C.V. KARTHIKEYAN., J.
and
K.KUMARESH BABU.,J.

Gba

A Pre-delivery judgment made in
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