



WEB COPY

WP No. 25322 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

WP No. 25322 of 2024

and

W.M.P.No.27667 of 2024

1. Union of India
Rep. by The Chief Post Master General,
Tamil Nadu Circle, Anna Salai,
Chennai 600002.
2. The Post Master General
Chennai City Region, Chennai 600002.
3. The Superintendent RMS
Chennai Sorting Division, Egmore,
Chennai 600008.

..Petitioners

Vs

1. J.Palaniyammal
W/o.Late.Jagadeesan,
No.256, 2nd Street, Siruvathur Post,
Manappakkam Village (Colony),
Panruti Taluk, Cuddalore District-607 106
2. The Registrar
The Central Administrative Tribunal,
Chennai Bench, Chennai.

..Respondents

Writ of Certiorari under Article 226 of the Constitution of India to call



for the records relating to the impugned order in O.A. No.280 of 2022 dated 11.12.2023 passed by the Central Administrative Tribunal, Chennai Bench the 2nd Respondent herein and quash the same.

For Petitioners: Mr.C Samivel,
Senior Central Government Standing
Counsel(SPC)

For R1: Mr.R.Malaichamy

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

Respondents in O.A.No.280 of 2022, aggrieved by the order dated 11.12.2023 passed by the Central Administrative Tribunal, Chennai Branch, have filed the present writ petition.

2. The said Original Application had been filed by the first respondent J.Palaniammal, seeking a direction to advance the date of her appointment to the year 1998 from 22.7.2013 and to extend all service benefits to her. The first respondent was working as Multi Tasking Staff in the Office of the Superintendent, RMS, Chennai Sorting Division. Her husband, who was working as MM (Mailman) died in service on 30.03.1988. At that time, the first respondent had a daughter, who was 7 years old and two sons at the age of 6 years and 3 years old. The entire family was dependent on the salary of her husband. She had, therefore, made a representation on 21.08.1998 seeking appointment on compassionate grounds. After much delay, in the year 2007, she was appointed as Mazdoor. Thereafter, she again approached the writ



petitioners seeking regularization and she was always informed that the matter was pending consideration. She, then, filed O.A.No.910 of 2010, which came to be disposed by an order dated 01.03.2011, directing examination of her representations. She was, finally, appointed as MTS with effect from 22.07.2013. She further claimed that her service should be recognized and regularized on and from 1998, when she made a representation seeking appointment. This request was rejected by the third petitioner. It was under those circumstances, she had filed the Original Application before the Central Administrative Tribunal.

3. In the order of the Tribunal, it had been observed that the issues relating to appointments on compassionate grounds were pending before the Hon'ble Supreme Court and after the matter had been disposed of by the Hon'ble Supreme Court, the available vacancies were filled under 5% quota under direct recruitment and in accordance with the seniority of the applications, the appointment orders were issued. The turn of the first respondent came only in the year 2013 and she was appointed on 22.07.2013. It had been contended that pre-dating the appointment to the year 1998 was not permissible.

4. The Tribunal, on considering all the rival submissions, had further observed that the first respondent had submitted the required documents relating to her family circumstances and her family members only on 24.11.2006 and the proposal was forwarded to the Regional Office, by communication dated



15.03.2007. Thereafter, further communication was issued on 11.03.2009 recommending her case. Since the matter relating to appointment on compassionate grounds was pending before the courts, her application was not processed further and she was granted appointment in the year 2013. The Tribunal held that she should be deemed to have been appointed in the year 2007, when the recommendation was made to appoint her on regular basis and therefore, directed that the benefit should be extended to her from the year 2007 and granted that particular relief to her.

5. Challenging this direction, the respondent before the Tribunal had filed the present writ petition.

6. It has been contended by the learned Senior Central Government Standing Counsel for the petitioners that the first respondent had been appointed only in the year 2013 and she could be considered to have been borne in regular service only from the date of appointment and she would be entitled for all benefits only from that particular date. It has also been contended that she alone was responsible for the delay since she had submitted the documents belatedly and only thereafter, on consideration of the documents, recommendation was made for her regular service.

7. Per contra, learned counsel appearing for the first respondent contended that the Tribunal should have considered granting her benefits from the year 1998, when she had made her application for appointment. The learned counsel further contended that the first respondent could not be found fault for



the delay in being appointed under regular service.

8. We have carefully considered the arguments advanced on either side and perused the materials available on record.

9. The facts are not in dispute. The husband of the first respondent Jagadeesan was working as Mailman and died while in service on 30.03.1998. It is not in dispute that the family was in penurious circumstances and there was an obligation on the petitioners herein to provide employment in accordance with the rules to any dependent in the family. The first respondent, as wife, is entitled to seek such appointment. When she sought for appointment, she had a daughter aged 7 years and two sons aged 6 years and 3 years respectively. Therefore, she had made an application seeking appointment on compassionate grounds on 21.08.1998.

10. The application of the first respondent was kept circulating in the office of the writ petitioners and no effective decision was taken. It is the contention of the writ petitioners that the issues relating to appointment on compassionate grounds were *sub judice* and the matter was pending before the Hon'ble Supreme Court and after it was finally disposed by the Hon'ble Supreme Court, directions were given to fill up such appointments under 5% quota.

11. It is also seen from the records that the writ petitioners had addressed the first respondent to forward the requisite documents for processing her application. The documents included the death certificate of her husband, her



educational qualification and birth certificates, No Objection Certificate from other members of the family, assets and liabilities of the family, present employment particulars, if any, employment details of the other family members and whether the family owns house or residing in a rented house. This communication was dated 20.10.2006.

12. Even though the first respondent had made her application in the year 1998, she had submitted the requisite documents as stated above in support of her application only in the year 2007 and thereafter, she was appointed as Mazdoor in the year 2007 and she continued to discharge her duties as Mazdoor. She sought for regularisation of her appointment. She had approached the Tribunal earlier and a direction was also issued to consider her representations and finally, after the Hon'ble Supreme Court had cleared all issues relating to appointment on compassionate grounds, the writ petitioners had called upon the first respondent to submit to aforementioned documents. Those documents were received in the office of the writ petitioners only on 12.03.2009. This is evident from the communication dated 23.08.2011 from the office of the Chief Post Master General, Chennai.

13. It is only thereafter, the application of the first respondent came to be processed and then it was recommended for granting employment. The employment was actually granted only on 22.07.2013. We are, therefore, of the view that on and from the date the requisite documents furnished by the first respondent reached the writ petitioners viz., 12.03.2009, the obligation was on



the writ petitioners to provide employment. If the application was processed without delay, she could have been granted employment. Therefore, the date of receipt of the documents viz., 12.03.2009 should be considered as the date when she was deemed to be eligible to be granted employment.

14. The Tribunal has held that the first respondent had made a further application that she had been appointed as Mazdoor in the year 2007 and therefore, she must be provided with all benefits on and from her date of appointment as Mazdoor. But, however, on that particular date when the first respondent had been appointed as Mazdoor, she had not forwarded the requisite documents to be considered for appointment under compassionate grounds to a regular post under 5% quota. Those documents were forwarded by her and received in the office of the writ petitioners only on 12.03.2009.

15. We are therefore of the considered opinion that she should be extended monetary benefits on and from 12.03.2009 and not from 2007. The order of the Tribunal is, accordingly, modified and the communication, which was impugned before the Tribunal B-2/MTS/Dlgs/2022 dated 08.02.2022 is confirmed, however, we would advance the date of appointment of the first respondent to 12.03.2009 from 22.07.2013 and direct the writ petitioners to extend all the monetary benefits to which she would be eligible, on and from 12.03.2009. The writ petitioners are granted six weeks time to comply with the said directions. It is also made clear that deduction in respect of her contribution towards the Pension Scheme may be deducted for the period from



12.03.2009 to 22.07.2013 and deposited in the Pension Scheme alongwith the contribution of the employer after making necessary reconciliation. If the first respondent opts for transition to Unified Pension Scheme, the same may be considered in accordance with the Rules.

16. The writ petition stands disposed of with the above directions. No order as to costs. The connected Miscellaneous Petition is closed.

(C.V.K.,J.) (K.B.,J.)
28-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ssk

To

1. J.Palaniyammal
W/o.Late.Jagadeesan,
No.256, 2nd Street, Siruvathur Post,
Manappakkam Village (Colony),
Panruti Taluk, Cuddalore District-607 106
2. The Registrar
The Central Administrative Tribunal,
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**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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