



WEB COPY

WP No.37199 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

**WP No.37199 of 2024
AND
WMP No.40201 of 2024**

1. Union of India
Rep.by the Chief Postmaster General
Tamil Nadu Circle, Anna Salai
Chennai 600 002
2. The Assistant Director
O/o. The Chief Postmaster General
Tamil Nadu Circle, Anna Salai
Chennai 600 002
3. The Superintendent of Post Offices
Dharmapuri Division, Dharmapuri

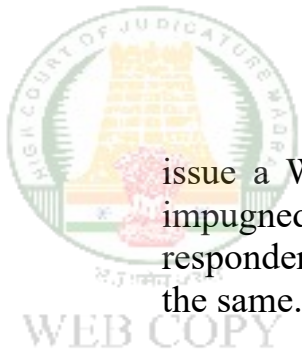
Petitioners

Vs

1. The Registrar
Central Administrative Tribunal
Madras Bench High Court Building
Chennai 600 104
2. K.Chinnasamy
Son of (late) C.Kannan
D.No.380, Dinnahali Village
Mittadinniahalli and Post
Dharmapuri District, Laligam 636 804

Respondents

Petition filed under Article 226 of the Constitution of India, praying to



issue a Writ of Certiorari, calling for records of the Hon'ble Tribunal in its impugned order dated 06.04.2023 in O.A.No.1143 of 2021 passed by the 1st respondent, Hon'ble Central Administrative Tribunal, Madras Bench and quash the same.

For Petitioners: Mr.M.Karthikeyan
Senior Panel Counsel

For Respondents: Mr.R.Malaichamy for R2
R1 - Tribunal

ORDER

(Order of the Court was made by P.Velmurugan J.)

The Union of India represented by the Chief Postmaster General, Tamil Nadu Circle, Chennai and his subordinates have filed the present writ petition aggrieved by the order passed by the Central Administrative Tribunal, Chennai Bench in O.A.No.1143 of 2021 dated 06.04.2023.

2. The second respondent filed the original application before the Tribunal challenging the order dated 19.04.2021 passed by the second petitioner rejecting his claim for compassionate appointment, on the ground that his father, while working as Extra Departmental Delivery Agent (EDDA), died in harness on 22.01.1989 leaving behind his mother, his two sisters and himself as the legal heirs. At the time of death of his father, all the children were minors, namely, aged 10, 8 & 6 respectively. Since the family was in penury, he submitted an application on 29.12.2017 seeking appointment on compassionate grounds before the authorities. However, the said request was ultimately rejected by the order dated 19.04.2021 on the ground of inordinate delay. Therefore, the



Tribunal, on considering the reply filed by the Department, allowed the claim of the second respondent for compassionate appointment. The said order is put to challenge in this writ petition by the Postal Department.

3. The learned Senior Panel Counsel appearing on behalf of the petitioners would submit that the application for compassionate appointment was submitted by the second respondent at the age of 34 years i.e., after a lapse of 28 years from the date of death of his father, in the year 2017 for the first time and 17 years after attaining majority. Therefore, his claim was rejected by the competent authority on the premise that the family had sustainable income. However, the Tribunal, without considering the fact that the second respondent was aged 6 years at the time of his father's death and that he did not make the application immediately after he attained majority or within a reasonable time, has erroneously acceded to the prayer of the second respondent for compassionate appointment ignoring the inordinate delay. Therefore, the order of the Tribunal requires interference.

4. Per contra, the learned counsel appearing on behalf of the second respondent would submit that at the time of death of the deceased, all the children, being the legal heirs, were only minors, they did not make the application at the relevant point of time. Since their mother being an illiterate was not aware of the scheme of compassionate appointment and that the



Department also not intimated the right of the legal heirs to make the application for compassionate appointment, they did not submit the application within a reasonable time. The learned counsel further submitted that the enquiry report also shows that the family was in indigent circumstances after losing the breadwinner and when they came to know about the scheme of compassionate appointment later, the second respondent submitted the application in the year 2017. Therefore, the mere delay cannot be a ground for rejection, unless the petitioners proved that the family of the deceased were not in indigent circumstances and they were able to run the family without the compassionate appointment. Considering these aspects, the Tribunal has passed the impugned order, which requires no interference.

5. Heard the contentions made by the learned counsel on either side and perused the materials available on record.

6. Admittedly, the father of the second respondent died in harness in the year 1989 leaving behind his wife and three children, who were minors, as the legal heirs. It is also not in dispute that the second respondent was aged 6 years and his sisters were aged 10 and 8 years respectively at the time of death of the deceased employee. It is to be noted that the scheme of compassionate appointment is extended to the eligible legal heir of any deceased employee to enable the family of the deceased to tide over the financial hardship. Therefore,



the application for compassionate appointment has to be made within a reasonable time explaining the indigent circumstances. Whereas in the case on hand, the second respondent submitted the application for compassionate appointment for the first time only in the year 2017, when he was aged 34 years and that too, after 17 years after he attained majority, even though his father died on 22.01.1989 while in service. Therefore, the belated claim of compassionate appointment has been rightly rejected by the petitioners, as the application was submitted after 28 years from the date of death of the deceased government servant. When the object and scope of compassionate appointment is only to tide over the indigent circumstances faced by the family after losing the breadwinner, this Court finds that the order passed by the Tribunal cannot be sustained. Accordingly, the impugned order is set aside and the writ petition stands allowed. Consequently, the connected WMP is closed. No costs.

(P.VELMURUGAN J.) (K.GOVINDARAJAN THILAKAVADI J.)
12-03-2026

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

SS



To

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Central Administrative Tribunal
Madras Bench High Court Building
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Tamil Nadu Circle, Anna Salai
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