

## CENTRAL ADMINISTRATIVE TRIBUNAL

MADRAS BENCH

OA/310/01330/2017

Dated the 20 day of July Two Thousand Twenty

CORAM : HON'BLE MR. T. JACOB, Member (A)

T. Vasantha Kumar,  
S/o. Late V. Thangaraj (Ex-Postman),  
Vridhachalam HPO),  
Residing at 19/9,  
Chinnaiyah Street,  
Ulundurpet 606107.

....Applicant

By Advocate M/s. P. R. Satyanarayanan

Vs

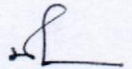
Union of India rep by,  
1.Chief Postmaster General, T  
amil Nadu Circle, Chennai 600002.

2.Postmaster General,  
Central Region, Tiruchirapalli 620001.

3.Superintendent of Post Offices,  
Vriddhachalam Postal Division,  
Vriddhachalam 606001.

....Respondents

By Advocate Mr. S. Padmanabhan





**ORDER**

(Pronounced by Hon'ble Mr. T. Jacob, Member (A))

The applicant has filed this OA under Sec.19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

"To call for the records relating to proceedings No. BII/98 dated 04.04.2013 and proceedings No. BII/98 dated 08.09.2015 issued by the third respondent and quash them as arbitrary and illegal and direct the respondents to reconsider the claim of the applicant for appointment under compassionate grounds by awarding due merit points under the head "(e)- No. of dependents" as mandated by OM No. 37-36/2004-SPB-I/C dated 20.01.2010 issued by Department of Posts with reference to date of death of the applicant's father and also giving due consideration to the liabilities left behind by the applicant's father and to appoint the applicant in any suitable post in any unit and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice."

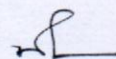
2. The brief facts of the case as stated by the applicant are as follows:

The applicant is the eldest son of V. Thangaraj, formerly Postman, Vridhachalam Head Post Office, who died on 15.11.2009 at the age of 49 years. The deceased left behind his wife and two sons. Due to prolonged illness of his father, the family was burdened with heavy loan to the extent of Nine lakhs at the time of death of his father and the death benefits received were not sufficient to clear the loan. The family is now living in utter poverty just on the meagre family pension received by his mother. The applicant's mother, therefore, sought appointment on compassionate grounds to the applicant





○ herein. However the said request was rejected by the first respondent by letter dated 04.04.2013. The applicant's mother once again represented on 23.04.2014 to reconsider the decision and offer any suitable appointment at least to the applicant's younger brother, Shri. T. Ashok Kumar. But, by letter No. B3/56 dated 07.07.2014 issued by the third respondent the said request was also rejected by the first respondent stating that since the request of his elder brother had already been considered, the request of the applicant's brother for appointment on compassionate grounds could not be considered. The applicant's brother therefore, approached this Tribunal by filing OA 603/2015 seeking appropriate relief. However, as the original order of rejection dated 04.04.2013 issued to the applicant had not been challenged, this Tribunal dismissed the OA on 10.07.2015 giving liberty to the applicant to challenge the same. Subsequently the respondents considered the claim of the applicant for a second time in the Circle Relaxation Committee meeting held on 28.07.2015 and once again rejected his claim on the ground that he is relatively less indigent. It is submitted that the applicant's father had left behind liabilities to the tune of 9 lakhs at the time of his death. Moreover, at the time of death of his father, the applicant's brother was a minor. But his request has been rejected without taking into account the minority of his brother at the time of death of his father and also the fact that the deceased had left behind liabilities which was more than the death benefits received by the family. Thus the respondents have rejected the request of the applicant without making an objective assessment of the penurious circumstances in which the family is living. The applicant does not possess any immovable or





movable property and does not have any other regular source of income other than 'family pension' of Rs. 6150/- received by his mother and the family is living under abject penury and are badly in need of constructive support for their survival. Hence the applicant has filed this OA seeking the above reliefs inter alia on the following grounds:-

i)The scheme is meant for showing compassion to the family of the deceased employee while in service and the impugned orders of rejection dated 04.04.2013 and 08.09.2015 is arbitrary and unreasonable and the action of the respondents in denying the applicant appointment on compassionate grounds is violative of Article 14 and 16 of Constitution of India.

ii)That the compassionate appointment was sought due to the fact that the father of the applicant, the only earning member of the family having died in harness on 11.02.2009 and as a result the family is living under total penury and rejection of the same without giving due credit to the huge monetary liabilities is totally arbitrary, irrational.

iii)With no assets of considerable value or generating regular monthly income, and in spite of the fact that the applicant's father was seriously ill for a considerable period forcing the family to obtain loans for treatment and education, the applicant's family is therefore, in dire financial distress and the respondents have not taken into consideration the liabilities while assessing the financial status of the family of the deceased employee.

iv)That the applicant's brother T. Ashok Kumar was a minor at the time of death of his father on 15.11.2009 and as per the guidelines issued by Postal Department in Circular No.37-36/2004-SPB-I/C dated 20.01.2010, the applicant is entitled to 5 points and therefore, the aggregate points would be 57 making





○ the applicant eligible for consideration under the category and the claim of the applicant has been rejected based on erroneous assessment of the penurious circumstances of the family.

v)As held by the Hon'ble Supreme Court in State Bank of India V. Jaspal Kaur [2007 (9) SCC 571], the right to be considered for compassionate appointment had accrued on the date of death of his father and as such my claim and the related penurious condition ought to have been determined with reference to the norms prevailing on the date of death of his father ie 11.02.2009.

vi)That the respondents, while assessing total death benefits received by the applicant have included the maturity value of PLI policy also, which is of no significant value and which does not form part of 'death benefits' settled by the Department and therefore, cannot be taken into account for determining the applicant's entitlements to seek appointment on compassionate grounds.

vii)That the respondents have not considered the liabilities left behind by the deceased and it is a fact that the applicant's family had to clear considerable amount of loan taken for providing treatment to his father and even though the liabilities at the time of death of his father outweighed the death benefits received by the family, the respondents have not given due consideration to determine the penurious nature of the applicant's family and there has been total non-application of mind in passing the impugned order.

3. The applicant has relied on the following decisions in support of his contentions:-

i) O.A. No. 310/00838/2017 dated 06.07.2018 of this Bench of the Tribunal in the case of Mr. B. Premkumar v. Union of India & 2 Ors.;

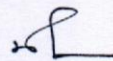




ii) O.A. No.180/00710/2015 dated 04<sup>th</sup> November 2016 of Ernakulam Bench of this Tribunal in the case of Mr. M. Sajith vs. Union of India & 2 Ors.;

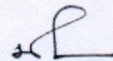
iii) O.A. No.234/2004 & batch dated 05.09.2005 of Gauhati Bench of this Tribunal in the case of Dhanjir Bayan vs. Union of India & Ors. reported in 2005(1)SLJ 188 CAT.

4. The respondents have filed a detailed reply statement stating that there are three members in the family of the deceased. The terminal benefits of Rs. 4,67,375/- was paid to the widow of deceased and she is getting family pension of Rs. 16063/- + 5% DR +1000 FMA at present. As per the guidelines issued vide Postal Directorate, New Delhi letter No.37-36/2004-B-1/C dated 20.01.2010, the total of the relative merit points awarded to the applicant is 52 and the educational qualification of the applicant is 12<sup>th</sup> std. He is eligible to be considered for the post of PA/SA/PM/MG/MTS. The case of compassionate appointment of the applicant was placed before the Circle Relaxation Committee in the year 2013. The Circle Relaxation Committee examines the cases based on a balanced and objective assessment of the financial condition of the family, taking into consideration its assets and liabilities and all other relevant factors such as the presence of earning member, size of the family, age of the children and the essential needs of the family etc., by allocating relative merit points to various attributes based on a hundred point scale. This is done to assess the degree of indigence among all the applicants for compassionate appointment within the prescribed ceiling of 5 % of the direct recruitment vacancies. As the case of the applicant is less indigent as per relative merit points and due to non availability of 5% Direct Recruitment





○ vacancy, his case has been rejected by the Circle Relaxation Committee during their meeting in the year 2013. The Relative Merit Points of the applicant was 52. However the Relative Merit Point of the last selected candidate in PA/SA cadre was 63, PM/MG cadre was 63 and the MTS was 61 during CRC 2013. The same was communicated to the applicant vide 1<sup>st</sup> respondent letter No.REP/47-3/2013 dated 25.03.2013 and 3<sup>rd</sup> respondent letter No.BII/98 dated 04.04.2013. The mother of the applicant vide letter dated 23.04.2014 also requested for compassionate appointment to her second son Shri. T.Ashok kumar. Her representation was forwarded to the 2<sup>nd</sup> respondent office vide 3<sup>rd</sup> respondent letter no B3/56-59 dated 27.05.2014. As per the instructions, contained in 2<sup>nd</sup> respondent letter no. REP/56-05/2014/TR dated 03.07.2014, the mother of the applicant was informed vide 3<sup>rd</sup> respondent letter No.B3/56 dated 07.07.2014 that the compassionate appointment case of Shri. T. Vasanthakumar, elder son of the deceased was already placed before the Circle Relaxation Committee and hence her request for considering the compassionate appointment case of her second son T.Ashok kumar could not be considered. The case of the applicant was again reviewed and placed before the Circle Relaxation Committee on 28.07.2015 along with other 983 cases. The applicant was considered for the posts of Postal Assistant, Postman and MTS as per the recruitment rules 2015. His case was not recommended as it was less indigent compared to the cases which were recommended for appointment and also due to non-availability of 5% vacancies of direct recruitment quota earmarked for compassionate appointment. The RMP of the applicant was 52. The RMPT of the last recommended candidate for the PA

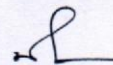




○ cadre was 66. He could not be considered for Postman or MTS also as the relative merit point of last selected candidate in Postman was 73 and MTS was 85. Order in this regard was issued by the 1<sup>st</sup> respondent vide letter No.REP/47-3/2014 dated 25.08.2015 and the same was communicated to the applicant vide order No.BII/98 dated 08.09.2015 of the 3<sup>rd</sup> respondent. Hence the respondents have prayed for dismissal of the OA.

5. The respondents have also relied on the following decisions in support of their contentions:-

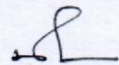
- i) O.A. 353/2015 in the case of T. Prabhavathy v. UOI before this bench of the Tribunal;
- ii) O.A. No. 1144/2012 in the case of D. Manikandan v. Union of India before this bench of the Tribunal
- iii) OA No. 1343 of 2014 in the case of J. Oppiliappan v. Union of India before this bench of the Tribunal.
- iv) C.A. No.6348/2013 in the case of MGB Gramin Bank v. Chakravarti Singh dated 07.08.2013 before the Hon'ble Supreme Court.
- v) W.P. No.11877/2017 in O.A. No.448/2015 in the case of Smt. V. Sivagami v. UOI dated 18.08.2017 before the Hon'ble High Court of Madras.
- vi) Judgment of the Hon'ble Supreme Court in the case of State Bank of India v. Rajkumar reported in (2010) 11 SCC 661;
- vii) Judgment of the Hon'ble High Court of Patna Bench in the case of State Bank of India & Ors. v. Sri Shashi Bhusan Prasad Sinha;
- viii) Judgment of Ahmedabad Bench of this Tribunal in O.A. 1458/2006 dated 28.02.2011;
- ix) Judgment of Guwahati Bench of this Tribunal in O.A. 75/2009 dated 27.11.2009;





- x) Judgment of Apex Court in the case of Civil Appeal No.4996/2006 in the case of Indian Drugs and Pharmaceuticals Ltd. v. Workman, Indian Drugs and Pharmaceuticals Ltd. Dated 16.11.2006;
- xi) Judgment of the Hon'ble Apex Court in the case of State of Jammu & Kashmir Vs. Sajad Ahmed Mir (2006 SCC (L&S) 1195;
- xii) Judgment of the Hon'ble Apex Court in the case of Susma Gosain Vs. UOI (1989-94) SCC 468.
- xiii) Judgment of the Hon'ble Apex Court in the case of Union of India vs. B. Kishore in C.A. NO. 1045/2006 dated 06.04.2011 reported in 2012(2) SCC (L&S);
- xiv) Judgment of the Principal Bench of this Tribunal in O.A. No.2775/2011 dated 08.08.2011 in the case of Smt. Somvati Vs. UOI .

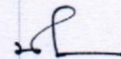
6. Applicant has filed rejoinder and the respondents have also filed reply to the rejoinder.
7. Heard the learned counsel for the respective parties and perused the pleadings and documents on records.
8. The grievance of the applicant is that the applicant has not been awarded due merit points under the head "No of minor children" as mandated in OM No.37-36/2004-SPB-I/C dated 20.01.2010 issued by Department of Posts with reference to date of death of the applicant's father and also giving due consideration to the liabilities left behind by the applicant's father.
9. For the sake of brevity and better appreciation of the facts, ther details of the weightage points awarded to the applicant under each head are reproduced hereunder:-





Sl. No.	Details	Present Status	Merit Points
1	Family Pension	Rs.6150/-	18
2	Terminal Benefits	Rs.533726/-	0
3	Monthly income of Earning Members	No Income	5.
4	Movable/Immovable Property	Nil	10
5	No. of Dependants	3 and above	15
6	No. of unmarried daughters	Nil	0
7	No of minor children	Nil	0
8	Left over service	9 years	4
	Total		52

10. The object of compassionate appointment is to provide assistance to the family of a Government servant who die in harness leaving his family in penury and without any means of livelihood and to get over the financial crisis and to relieve the family of the deceased from financial destitution and to help it get over the emergency. As per this Scheme, the family living in indigent condition and deserving immediate assistance of financial destitution is eligible for compassionate ground appointment. But it is a non statutory scheme and is in the form of concession and it cannot be claimed as a matter of right. Mere death of a government employee in harness does not entitle the family to claim compassionate appointment. The concept of compassionate appointment has been recognised as an exception to the general rule carved out in the interest of justice in certain exigencies by way of a policy of an employer, which partakes the character of service rules. That being so, it needs little emphasis that the scheme or the policy as the case may be, is binding both on

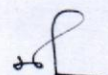




- the employer and the employee, being an exception the scheme has to be strictly construed and confined only to the purpose it seeks to achieve. The philosophy behind giving compassionate appointment is just to help the family in harness to get over the immediate crisis due to the loss of the sole bread winner. This category of appointment cannot be claimed as a matter of right after certain period, when the crisis is over.

11. For the said purpose, a balanced and objective assessment of the financial condition of the family is made by allocating points to the applicants based on various attributes like number of dependents, outstanding liabilities for education/marriage of dependent children, left over service for discharge, own agricultural land and house, family earnings of members of family per month discharge benefits ie., Ex-gratia Gratuity, severance amount, service discharge benefits and Group Insurance benefits received by by family, educational qualification of the applicant and all other relevant factors such as the essential needs of the family including social obligations etc., in order to assess the degree of indigence of the applicants to be considered for compassionate engagement. The Department of Personnel & Training has provided for limiting compassionate appointment of wards of departmental employees to 5% of the total vacancies

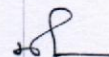
12. In the instant case, the applicant's father died on 15.11.2009 leaving behind his wife and two sons. The wife of the deceased Government employee received the following terminal benefits:-





Serial no.	Details of payments received after the death of Shri. V.Thangaraj	Amount Rs.
1	D.C.R.G	Rs.3,98,336.00
2	CGEIS	Rs.54,202.00
3	Encashment of Leave	Rs.98,933.00
	Total	Rs.5,51,471.00


13. The contention of the applicant is that his father did not leave behind any assets. He and his brother are unemployed and the entire family is surviving with the family pension received by his mother. His father had obtained loan from Canara Bank, Virudhachalam on 27.05.2009 for a sum of Rs. 75,000/- for which Rs. 2,40,313/- is over-due as on date and the family is compelled to pay exhorbidant interest every month towards the outstanding loans apart from other hand loans. Being so, the 3<sup>rd</sup> respondent has rejected his request for compassionate appointment on the ground of being less indigent as per Relative Merit Points. The request for compassionate ground appointment of the brother of the applicant T. Ashok Kumar was also rejected. The applicant's brother T.Ashok Kumar was a minor at the time of the death of his father on 15.11.2009. As per the guidelines issued by the Postal Directorate in Circular dated 20.01.2010, the applicant is entitled to 5 points to that attribute. But in the present case, the indigency has been worked out as on the date of consideration, which is against the basic principles for determining the indigency of the family of the deceased Govt. servant. Taking the date of death of his father as the crucial date for determining the indigency of the family, the applicant is entitled to 5 more merit points as the applicant's brother Mr. Ashok Kumar (DOB:03.06.1993) was a minor at the time of death of his father on





- 15.11.2009. Moreover, the applicant's father, whose date of birth was 03.08.1959, had a left over service of about 10 years. Therefore, by giving due weightage points to the fact that the applicant's brother was a minor at the time of death of his father, the applicant is entitled to 5 more merit points under the head 'Number of minor children'. As regards the death benefits received by the family of the deceased, it is an undisputed fact that the entire family had to shoulder liabilities to the tune of Rs. 4,90,313/- (Hand loan Rs. 2,50,000/- + Outstanding Bank Loan Rs. 2,40,313/-) which was left behind by his deceased father and which was more than the death benefits of Rs. 4,67,375/- received by the mother of the applicant. As per para 18(c) of the guidelines issued by GOI, DOPT in O.MF.No.14014/02/2012—Estt. (D) dated 16.01.2013, while considering a request for appointment on compassionate ground, a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities. Therefore, giving due credit to the solid liabilities of Rs.4,90,313/- left behind by his deceased father, the death benefits given to the mother of the applicant gets wiped out and therefore the applicant is entitled to award of 10 merit points under the head 'Terminal benefits' as per the circular No. 37-36/4004-SPB-I/C. Dated 20.01.2010 issued by Postal Directorate and the applicant's total merit points therefore works out to at least 67.

14. The contention of the respondents is that a balanced and objective assessment of indigence of the family of the deceased Government Servant having been done, the applicant's contention that if 5 merit points for his brother's age and 10 merit points for the solid liabilities left behind the

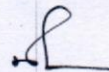




applicant's father and the death benefits given to the applicant's mother had been given, the applicant's total merit points would work out to at least 67 is hypothetical. Already merit points were given in respect his minor brother taking into account the total family members as three and merits points as 15 and there is no provision for awarding merit points in respect of the outstanding loan amounts hence, the plea of the applicant is inaccurate and wrong.

15. The issue whether while awarding the RMPs, the penurious condition of the family as on the date of the death of the employee or as on the date of submission/consideration of the application, has to be taken into consideration, has already been decided by the order of the Hon'ble supreme court in the case of N.C. Santhosh V State of Karnataka & others, and other batch cases in CA Nos. 9280-9281 of 2014 decided on 4<sup>th</sup> March 2020 wherein it has held as follows:

"19. In the most recent judgment in State of Himachal Pradesh & Anr. Vs. Shashi Kumar the earlier decisions governing the principles of compassionate appointment were discussed and analysed. Speaking for the bench, Dr. Justice D.Y. Chandrachud reiterated that appointment to any public post in the service of the State has to be made on the basis of principles in accord with Articles 14 and 16 of the Constitution and compassionate appointment is an exception to the general rule. The Dependents of a deceased government employee are made eligible by virtue of the policy on compassionate appointment and they must fulfill the norms laid down by the State's policy.

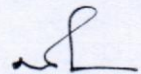




20. Applying the law governing compassionate appointment culled out from the above cited judgments, our opinion on the point at issue is that the norms, prevailing on the date of consideration of the application, should be the basis for consideration of claim for compassionate appointment. A dependent of a government employee, in the absence of any vested right accruing on the death of the government employee, can only demand consideration of his/her application. He is however disentitled to seek consideration in accordance with the norms as applicable, on the day of death of the government employee".

16. As regards the number of minor children, nil points have been awarded and this is the main explicit point in dispute. Smt T. Rajeswari, mother of the applicant applied for employment under compassionate grounds on 05.11.2011 and stated that the age of her second son, Shri T.Ashok Kumar is 18years only. The fact that the applicant brother was a minor on the date of death of the employee is not in dispute. At the time of submission of proposal for compassionate appointment and at the time of consideration by CRC 2013 and 2015 Shri T.Ashok Kumar the second son of the deceased official was not minor as he had completed 18 years of age. Hence, the relative merit point for the same cannot be awarded to the applicant.

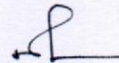
17. For assessment of weightage point under Terminal benefits, as per the weightage point system, the total terminal benefit (without adjustment) based on the status of ex-official is only to be taken into account. The commitments/ expenditure/ repayments of dues incurred from the terminal benefits are not to





be taken into account. Hence, the weightage points awarded by CRC are correct and the rejection of the CGA application of the applicant is absolutely in accordance with the guidelines issued vide Postal Directorate, New Delhi letter no. 37-39/2004-B - 1/C dated 20.01.2010 introduced within the DoP&T guidelines dated 09-10-1998. The claim of the applicant for appointment on compassionate ground was considered objectively by the respondent by awarding due merit points which the applicant was entitled. The contention of the applicant that he is entitled for reconsideration after being awarded with 15 more merit points is untenable. Hence, the applicant is not entitled for appointment under compassionate ground and the order dated 28-06-2019 is valid and maintainable as per law.

18. I find that the case of the applicant largely hinges on the fact that the totality of the circumstances have not been evaluated properly by the respondent department and the fact that the weightage points given to him cannot be made applicable to him. Undoubtedly, the family of the deceased was struck by misfortune on account of the untimely demise of the Government employee. As per the guidelines, the total of the relative merit points awarded to the applicant is 52. However the RMP of the last selected candidate in PA/SA cadre was 63, PM/MG cadre was 63 and MTS was 61 during CRC 2013 which was communicated to the applicant vide 3<sup>rd</sup> respondent letter no. BII/98 dated 04.04.2013. The case of the applicant was again reviewed and placed before the Circle Relaxation Committee on 28.07.2015 along with other 983 cases. The relative merit point of the last selected candidate for the PA cadre was 66, for the Postman cadre was 73 and MTS was 85 which was





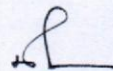
- communicated to the applicant vide order no. BII/98 dated 08.09.2015 of the 3<sup>rd</sup> respondent. It was also indicated that all the not recommended cases of CRC-2015 will be placed before the next CRC and examined on merit along with the fresh cases received, subject to the availability of vacancies under RRR quota. The respondents rejected the case of the applicant in tune with the norms and guidelines of the Government on the subject. As laid down by the Hon'ble Supreme Court in the case of State Bank of India & Anr. v. Raj Kumar, reported in 2011 (1) SCC (L&S) 150, the fact remains that :

" .....the applicant has only a right to be considered for appointment against a specified quota, even if he fulfils all the eligibility criteria; and the selection is made of the most deserving among the several competing applicants, to the limited quota of posts available. In all these schemes there is a need to verify the eligibility and antecedents of the applicant or the financial capacity of the family.

.....

Several circumstances having a bearing on eligibility, and financial condition, up to the date of consideration may have to be taken into account. As none of the applicants under the scheme has a vested right, the scheme that is in force when the application is actually considered, and not the scheme that was in force earlier when the application was made, will be applicable."

19. The Hon'ble Supreme Court in the case of Chief Commissioner, Central Excise & Customs, Lucknow and Ors. V. Prabhat Singh in CA No.8635 of 2012 decided on 30.11.2012 had held that

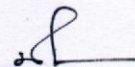




"Courts and Tribunals should not fall prey to any sympathy syndrome, so as to issue direction for compassionate appointments, without reference to prescribed norms, Courts are not supposed to carry Santa Claus's big bag on Christmas eve, to disburse the compassionate appointment, to all those who seek a Court's intervention. Courts and Tribunals must understand that every such act of sympathy, compassion and discretion, wherein directions are issued for appointment on compassionate ground, could deprive a really needed family requiring financial support, and thereby push into penury a truly indigent destitute and impoverished family. Discretion is therefore ruled out. So are misplaced sympathy and compassion."

20. As per DoPT OM dated 26.07.2012, the time limit of 3 years prescribed vide DoPT OM No.14014/19/2002-Estt(D) dated 05.05.2003 for considering cases of compassionate appointment has been withdrawn, all the not recommended cases of CRC-2015 including the applicant's case will be placed in ensuing CRC. Further, it is stated by the respondents that since the matter of compassionate appointment is subjudice before the Hon'ble High Court, Madras in WP.1362/2017 filed by the Department against the orders of Hon'ble CAT Madras in OA.1779/2014, the Circle Relaxation Committee meeting could be convened only after the judicial process is over.

21. Applying the ratio rate of the various judgements and considering the fact that the applicant did not come within the zone of consideration as per the relative merit points secured against the 5% of vacancies under direct recruitment, his claim is not entertained and the order No. BII/98 dated 08.09.2015 of the SPOs Vriddhachalam Division, conveying the decision of 1<sup>st</sup>





○ respondent communicated vide letter No. REP/47-3/2014 dated 25.08.2015 are in order. It is pertinent to note that the case of the applicant will be placed before the CRC and examined on merit along with the fresh cases received subject to availability of vacancies under RRR quota as per the instruction prevailing on the subject.

22. In the conspectus of the above facts and circumstances of the case especially as stated in paragraph 17 and 18 above and the preceding para (last sentence) and the judgments of the Hon'ble Supreme Court (supra), I find no reason to interfere with the impugned proceedings No. BII/98 dated 04.04.2013 and proceedings No. BII/98 dated 08.09.2015 issued by the third respondent. The OA is liable to be dismissed and is accordingly dismissed. No costs.