

**Central Administrative Tribunal
Madras Bench**

O.A.No.392/2013

Dated the 3rd day of February Two Thousand Sixteen

P R E S E N T

Hon'ble Mr.R.Ramanujam, Member(A)

V.Selvakumar
S/o.late S.Venkatachalam,
No.4, Mariamman Koil Street,
Nalligoundanur,
Ayyampalayam BO.,
Kavundapadi Post,
Erode District 638 455.

.. Applicant

By Advocate **M/s.R.Malaichamy**

Vs.

1. Union of India, rep by themselves Director (Staff),
M/o Communications & IT,
Department of Posts, Dak Bhavan,
Parliament Street, New Delhi 110 001.
2. The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai 600 002.
3. The Postmaster General,
Western Regio(TN),
Coimbatore 641 002.
4. The Senior Superintendent of Post Offices,
Erode Division, Erode 638 001.

.. Respondentd

By Advocate **Mr.J.Vasu**

ORDER
(Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

The applicant's father who was working as Group-D in the Division of the 4th respondent died in harness on 24.10.2000 while he was in service. As the family was in penury, the members of the family requested for the applicant's appointment on compassionate grounds. The 4th respondent by reply dated 30.1.2003 stated that the case of the applicant was referred to the 3rd respondent for approval. Subsequently, the 4th respondent rejected the claim of the applicant vide his letter dated 13.3.2007. Thereafter, the applicant made several representations to the respondents to re-consider his case. However, as the respondents decided to give appointment on compassionate ground to deserved cases, they directed the applicant to submit fresh application and the applicant submitted a fresh application. But the claim of the applicant was again rejected by the 4th respondent by letters dated 14.6.2012, 30.7.2012 and 13.8.2012, citing the scheme introduced in the year 2010. Hence, this OA seeking to set aside the rejection order of the 4th respondent dated 14.6.2012, 30.7.2012 and 13.8.2012 and to direct the 4th respondent to appoint the applicant on compassionate ground in any one of the post in the 4th respondent Division in consideration of his educational qualification with all attendant benefits.

2. The respondents contest the claim of the applicant. According to them, the order dated 20.1.2010 impugned in this OA is the scheme introduced by the Postal Directorate prescribing a system of allocation of points to various attributes. The

order of the 4th respondent dated 14.6.2012 was based on the decision of the Circle Relaxation Committee (CRC) communicated in letter dated 08.6.2012 of the 2nd respondent impugned in the OA and it is also not challengeable since the CRC has decided the case of the applicant after assessment of each factor and arriving at a relative merit point of 59. Since the vacancies under 5% of direct recruitment quota were limited and there were many candidates with higher relative merit points than the applicant, the case of the applicant was not recommended by the CRC. Therefore, the orders dated 20.1.2010 issued by the Postal Directorate and 14.6.2012 of the 4th respondent are justified.

3. Heard the learned counsel for the applicant and the respondents and perused the available material on record.

4. Learned counsel for the respondents pointed out that the relative merit points of the applicant worked out to 59 only while the merit point of the last selected candidate in MTS cadre was 91. As the educational qualification of the applicant is 8th Standard, he could only to be considered for the MTS cadre. However, he could not be accommodated in the said cadre on account of his lower merit points and want of adequate vacancies under the 5% quota for compassionate appointments.

5. Learned counsel for the applicant, however, argued that the applicant is entitled to a reconsideration of his case and the impugned order of the respondents dated 30.7.2012 (Annexure A7) stating that there were no grounds to reconsider his case was not in accordance with the scheme of compassionate appointment.

6. I have carefully examined the case. The rejection of the applicant for appointment as MTS on compassionate grounds is on valid grounds and has been made after following the due procedure. The relief claimed by the applicant cannot, therefore, be granted. However, the respondents would not be justified in saying that the matter could not be reconsidered. Similar matters have been decided by this Tribunal in various OAs in the light of the fact that the scheme for compassionate appointment does not prescribe any time limit for considering the request of the applicant. Para-8 of the scheme for compassionate appointment issued along with OM dated 16.1.2013 of DOP&T states as follows:-

“Subject to availability of a vacancy and instructions on the subject issued by this Department and as amended from time to time, any application for compassionate appointment is to be considered without any time limit and decision taken on merit in each case.”

Further, in the Frequently Asked Questions (FAQs) on compassionate appointment attached therewith it is stated as follows:-

Sl.No.	Question	Answer
26	If compassionate appointment cannot be given in a year, can it be considered in the next recruitment year?	Yes. There is no time limit for compassionate appointment. A request for compassionate appointment can be carry forward to next or more years, but the total compassionate appointment made in a year should not exceed 5% limit of the direct recruitment Group C quota.

In view of these provisions, the rejection of the claim of the applicant need not preclude the respondents from considering his case for compassionate appointment against any future vacancies. The applicant would be eligible in case there is a lowering of the cut off point in future and his case could accordingly be reconsidered.

7. The OA is disposed of with the above observations. No order as to costs.
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