

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 14th day of March Two Thousand And Nineteen

PRESENT:
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/231/2017

C. Aswathraman,
S/o. (late) B. Chennappan,
No. 6/128, Beerapalli Village and Post,
Ramapuram Via,
Shoolaigiri Taluk,
Krishnagiri District,
PIN- 635 115.

....Applicant

(By Advocate: Mr. R. Malaichamy)

Versus

1. Union of India Rep. by
The Chief Postmaster General,
Tamilnadu Circle,
Anna Salai,
Chennai- 600 002;
2. The Postmaster General,
Western Region (TN),
Madurai- 641 002;
3. The Superintendent of Post Offices,
Krishnagiri Division,
Krishnagiri- 635 001.

...Respondents

(By Advocate: Mr. K. Ramasamy)

ORAL ORDER

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

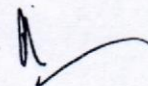
Heard. This OA has been filed by the applicant seeking the following reliefs:-


"1. To call for the records of the 1st respondent pertaining to his orders made (i) No. REP/36/03 dated 12.04.2005 and (ii) REP/36-12/2004 dated 04.10.2016 and the order of 2nd Respondent in No: STC/50020/GDS Misc Dlg/14 dated 09.11.2016 and set aside the same, consequent to;

2. Direct the respondents to appoint the applicant on compassionate grounds and

3. To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. The case of the applicant is that his father died in harness on 22.11.2002 while working as Gramin Dak Sevak Mail Deliverer/ Mail Carrier (GDS MD/MC) in the 3rd respondent division. The applicant made representations to the 3rd respondent to appoint him on compassionate grounds. He was allowed to carry out the duty of GDS MD/MC at Beerapalli immediately after the death of his father i.e. 23.11.2002 and worked as such till September 2016 and for a few days in the months of October and November 2016. It is alleged that the respondents did not properly award merit points to the applicant. Had they considered the status of the family taking into account the indigent condition at the time of death of the applicant's father, the applicant would have been awarded more points and granted appointment much earlier. The respondents also reduced the cut off points from 51 to 36 under the points system, after which the applicant's case was not considered. Accordingly the applicant seeks aforesaid relief.



3. Respondents have filed reply contesting the claim of the applicant. It is submitted that the applicant's case was considered in the year 2005 and it was observed that he was married and was not a dependent on the family. The family of the applicant was also not in an indigent condition. The family owned 1.5 acres of dry land and a Mangalore tiled house worth Rs. 20,000. On receiving representations from the applicant, the applicant was informed by letter dated 04.10.2016 and 09.11.2016 that his claim was rejected on valid grounds by the Circle Relaxation Committee (CRC) and there was no provision in the rules to re-open the case.
4. Learned counsel for the applicant seeks to rely on the order of the Tribunal in OA. 1385/2016 dated 23.3.2018 and argues that the applicant being similarly placed is entitled to the same relief.
5. I have considered the facts of the case in terms of the pleadings and the submissions. It is not in dispute that the applicant claimed compassionate appointment following the death of his father which was rejected by Annexure A/2 communication dated 12.4.2005. No action seems to have been taken by the applicant to approach the competent forum to agitate his rights, if any except to make a representation dated 15.09.2016. The applicant claims that subsequently a point system was introduced and the minimum cut off for consideration was also reduced from 51 to 36. This does not seem to enhance his claim in any manner as no provision is seen in the relevant circulars for reopening of the rejected cases for evaluation under the point system.
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6. The claim of the applicant that he is similarly placed as the one in OA. 1385/2016 is misplaced as the applicant herein was never evaluated under the points system in the first place. The applicant having slept over Annexure-A/2 communication dated 12.4.2005, is now seeking fresh consideration of his case under the revised scheme. However, as the scheme does not provide for such reconsideration several years after the rejection of a claim, it is not possible to interfere with the decision of the competent authority.

7. O.A. is devoid of merits and is dismissed accordingly. No costs.