

**Central Administrative Tribunal
Madras Bench**

OA/310/01385/2016

Dated Friday the 23rd day of March Two Thousand Eighteen

P R E S E N T

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

N.Kumaresan
S/o (late) V.Natesan,
No.36, Mukkarampakkam Post & Village,
Periyapalayam Via,
Gummidipoondi Taluk,
Thiruvallur District,
PIN 601 102. .. Applicant

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

Vs.

1. Union of India, rep by the
Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai 600 002.
2. The Superintendent of Post Offices,
Kanchipuram Division,
Kanchipuram 631 501.
3. The Assistant Superintendent of Post Offices,
Thiruvallur Sub-Division,
Thiruvallur. .. Respondents

By Advocte **Mr.S.Nagarajan**

ORAL ORDER

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

Heard. The applicant has filed this OA seeking the following reliefs:-

“i) To call for the records of the 2nd respondent pertaining to his order which is made in No.B2/OA-1465/14/dlgs dated 19.7.2016 and set aside the same; consequent to,

ii) direct the respondents to appoint the applicant in any one of the vacant post of GDS on compassionate grounds on considering his educational qualification with all attendant benefits; and

iii) To pass such further orders as this Hon'ble Tribunal may deem fit and proper.”

2. Learned counsel for the applicant would submit that the applicant's case for compassionate appointment was rejected on the ground that the applicant did not score sufficient relative merit points to warrant an appointment. He produces a copy of the order of DoPT dated 30.5.2017 on the subject of review of scheme for engagement of a dependant of a deceased Gramin Dak Sevak on compassionate grounds and draws attention to para-2 thereof wherein it is stated that the scheme had been reviewed in the Directorate and it had been decided to introduce a revised scheme for compassionate engagement of an eligible dependant of deceased Gramin Dak Sevaks. Under the revised scheme, the point system had been dispensed with and the scheme had been extended to dependants of missing GDS also. It is accordingly submitted that the applicant would be satisfied if the

respondents are directed to consider his case in terms of the revised scheme.

3. Learned counsel for the respondents would, however, draw attention to para-3 of the said instructions dated 30.5.2017 which states that the new scheme will come into effect from the date of issue of the letter and would be applicable to all cases pending and arising on or after the said date. The cases which had already been settled would not be reopened. It is, however, admitted that the applicant's case for compassionate appointment would have been further considered in the subsequent years in terms of the relative merit points scored by the applicant based on the financial condition of his family but for the issue of the aforesaid order dated 30.5.2017.

4. I have considered the submissions. It is not in dispute that the applicant's case had been rejected by the competent authority in the year 2016 on the ground that the applicant had not obtained sufficient relative merit point to qualify for appointment. Now a revised scheme has come into operation with prospective effect which also provides that cases already settled shall not be reopened. Therefore, the question of respondents being directed to re-consider the 2016 rejection of the applicant's claim in terms of the revised scheme does not arise. However, the right of the applicant to be considered again in subsequent years is not taken away. Considering the fact that the applicant's case would have been considered again in the subsequent years in terms of the points system but for the revised scheme and since the revised scheme dated 30.5.2017 has been made applicable to all cases arising on or after the said date, the applicant's right to be

considered in the year 2017 and 2018 would be deemed to be covered by the said order. Otherwise while wholly new claimants would be considered in terms of the revised scheme, all the previous applicants would be considered in accordance with the points system and it would be difficult to determine who deserved greater compassion in terms of the financial condition of the family. I accordingly direct the respondents to consider the claim of the applicant for the subsequent years in terms of the revised scheme and take an appropriate decision consistent with the letter and spirit of the scheme as and when such appointments are considered.

5. OA is disposed of with the above directions. No costs.

(R.Ramanujam)
Member(A)
23.03.2018

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