

**Central Administrative Tribunal
Madras Bench**

OA/310/00212/2016

Dated Monday the 22nd day of January Two Thousand Eighteen

P R E S E N T

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

S.Gayatri,
D/o (late) Amsumathi,
C/o S.Radhakrishnan,
No.12/86, Mahalakshmi Nagar,
Makkinampatti Post,
Pollachi 642 003. .. Applicant

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

Vs.

1. Union of India, rep by the Secretary,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi 110 011.
2. The Chief Postmaster General,
Tamil Nadu Circle,
Chennai 600 002.
3. The Postmaster General,
Southern Region(TN),
Madurai 625 002.
4. The Senior Superintendent of Post Offices,
Kovilpatti Division,
Kovilpatti 628 501. .. Respondents

By Advocate **Mr.G.Dhamodaran**

ORAL ORDER

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

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

“To call for the records of the 4th respondent pertaining to his order which is made in No.BIII/50/RRR/Dlgs dated 12.09.2015 and set aside the same; consequent to

direct the respondents to appoint the applicant on compassionate grounds in any one of the post on considering her educational qualification with all attendant benefits; and

to pass further orders as this Hon'ble Tribunal may deem fit and proper.”

2. Heard. Learned counsel for the applicant submits that the applicant is aggrieved by Annexure A5 order of the respondents intimating the applicant that her case for compassionate appointment could not be recommended by Circle Relaxation Committee (CRC) for the year 2015 on the following grounds:-

“Non-availability of Direct Recruitment Vacancy in the respective cadre under RRR quota.

Less indigent as per Relative Merit Points under RRR quota.”

It is submitted that the applicant had been awarded a Relative Merit Point(RMP) of 65 whereas RMP of the last selected candidate was 66. Clearly the applicant missed the cut off very narrowly.

3. Learned counsel for the applicant would draw attention to the order dated 20.3.2015 passed by this Tribunal in an earlier OA 918/2013 of the applicant wherein the following observations were made:-

“13. However, it is seen that the case stands on a special footing. Apart from the fact of death of the mother of the Applicant who was an employee in Postal Department, the parents of the Applicant had got divorced and thus the Applicant was left to depend for her living on a relation of hers. Inasmuch as according to OM dated 26th July 2012 of DOPT, GOI, the time limit of 3 years prescribed earlier vide DOPTs OM No.14014/19/2002-Estt.(D) dated 5th May, 2003 for considering cases of compassionate appointment, has been withdrawn keeping in view the judgment dated 07.5.2010 in Civil Misc. Writ Petition No.13102 of 2010 of the Hon'ble High Court, Allahabad and accordingly, the cases of compassionate appointment might be regulated in terms of instructions issued vide O.M. of DoPT dated 09.10.1998 as amended from time to time, the Respondents should consider the case of the Applicant for the vacancies of subsequent year(s) and decide on the prayer of the Applicant for appointment on compassionate grounds on a comparative assessment of the merits of all the eligible claimants and subject to availability of vacancies for appointment on compassionate grounds @ 5% of DR vacancies, giving higher priority to the case of the Applicant considering the special features of the case which cannot be captured in the RMPs system for assessment of comparative merits of the candidates for appointment on compassionate grounds. The Respondents are directed to take necessary action accordingly.”

It is accordingly urged that the applicant was entitled to a higher priority considering the special features of his case which could not be captured in the RMPs system. There is no evidence of any extra weightage having been awarded to the applicant in the light of the aforesaid order, it is alleged.

4. Learned counsel for the respondents would, however, submit that the applicant's case was considered in the light of the guidelines for the scheme of compassionate appointment but unfortunately, the applicant could not score above the bench mark to secure a compassionate appointment. Nevertheless, her case would be considered further in the subsequent CRCs and if she is found to score above the bench mark for the relevant year, she would be considered for compassionate appointment.

5. I have carefully considered the submissions. It is not in dispute that the applicant had filed an earlier OA in which a specific direction was given to the

competent authority to accord higher priority to the applicant considering the special circumstances of her case which could not be captured in the RMPs system. There is no evidence of this having been done. There is also no evidence of the order having been taken up in a WP before the Hon'ble High Court in case the respondents felt that the direction contained therein was not in accordance with the scheme. As such the order had attained finality. I am accordingly of the view that the case of the applicant should be considered in accordance with the directions in the aforesaid OA and a specific order passed with regard to the manner in which a higher priority was accorded along with the details of relative merit points awarded under each of the criteria. It is accordingly directed that the case of the applicant shall be placed before the CRC for the year 2015 for reconsideration and after obtaining its recommendations, a detailed speaking order shall be passed with regard to the claim of the applicant.

6. Learned counsel for the applicant would submit at this stage that the case of the applicant had been considered for the post of Postman and MTS whereas the applicant was also qualified to be appointed as Data Entry Operator which is a Group C post. It is not clear why he could not be considered for compassionate appointment against the vacancies in the said category under the 5% quota.

7. Keeping in view the aforesaid submission, the respondents are directed to verify if all the posts where compassionate appointment could be considered under the 5% quota were taken into account while passing the impugned order and consider the appointment of the applicant for the post of Data Entry Operator also

unless it is specifically excluded from the scheme for compassionate appointment for any valid reason. In the event of the applicant still failing to make it to any of the posts in the year 2015, her case shall be considered for the years 2016 and 2017 and a detailed speaking order shall be passed on the same lines as indicated above. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

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

(R.Ramanujam)
Member(A)

22.01.2018

/G/