

**Central Administrative Tribunal  
Madras Bench**

**OA/310/01819/2016**

**Dated Thursday the 4<sup>th</sup> day of January Two Thousand Eighteen**

**P R E S E N T**

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

R.Ranjithganth,  
S/o(late) K.Ravi,  
No.2/57, East Street,  
Kilakuilkudi PO,  
Nagamalai (via),  
Madurai 625 019.

.. 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 Postmaster General,  
Southern Region,  
Madurai 625 002.
  3. The Senior Superintendent of Posts,  
Madurai Division,  
Madurai 625 002.
- .. Respondents

By Advocate **Mr.S.Navaneethakrishnan**

**ORAL ORDER**

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

Heard. Learned counsel for the applicant submits that the applicant's father died in harness on 08.9.2001 while working as Postman under the 3<sup>rd</sup> respondent division. The applicant and his brother were minors at that time. On attaining the age of majority, the applicant applied for compassionate appointment which was rejected on the ground that the applicant could secure relative merit points of 64 only against 66 of the last candidate appointed as Postal Assistant. It is submitted that there were no compassionate appointments during the period 2001-2010 due to excess appointments made previously for which the applicant could not be penalised. Had the applicant been considered at the relevant time immediately after he attained the age of majority, 5 additional merit points would have been granted as his younger brother was still a minor then. In the present assessment, the merit points granted for minor children is zero. It is urged that if 5 merit points are added, the applicant would score above the last selected candidate for Postal Assistant and, therefore, the OA should be allowed.

2. Learned counsel for the respondents would, however, point out that while it is true that there was no recruitment under compassionate appointment during the period 2001-2010, there is no evidence that the applicant applied for compassionate appointment immediately on attaining the age of majority. On the other hand, the applicant's request for compassionate appointment had been

received only in the year 2015 and by Annexure A4 communication the applicant was informed of the recommendation of the Circle Relaxation Committee (CRC) in this regard. Attention is drawn to Annexure A3 undated representation from which it could not be concluded that the applicant offered himself for compassionate appointment before the year 2015. He would also draw attention to the submission contained in the representation to the effect that the applicant's brother was aged 25 and, therefore, it is clear that the applicant had not applied at a time when his brother was still a minor. Accordingly the OA is liable to be dismissed, it is contended.

3. I have carefully considered the submissions. It is not in dispute that the respondents had not made any compassionate appointment during the year 2001-2010. Accordingly, if immediately on attaining the age of majority, the applicant would have applied for compassionate appointment, he might have had a claim to be considered on the basis of the financial condition of the family at that time. However, the applicant has not been able to produce any evidence that he applied for compassionate appointment at that time. It is only through an undated representation wherein it is clearly mentioned that his younger brother R.Vimalkanth was aged 25 and he had the responsibility to look after his mother and brother, that the applicant first requested for compassionate appointment. The respondents could not, therefore, be faulted for not granting him merit points for the minority of his brother.

4. In view of the above, the OA is misconceived and is devoid of merits. The

applicant's claim is rightly rejected and, therefore, the impugned order is sustained.

However, this shall not be a bar to the applicant being considered on merits in the ensuing CRCs as conveyed in the impugned order dated 15.9.2016.

5. OA is disposed of as above. No costs.

(R.Ramanujam)  
Member(A)  
04.01.2018

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