

**Central Administrative Tribunal
Madras Bench**

OA/310/01659/2016

Dated Tuesday the 14th day of August Two Thousand Eighteen

P R E S E N T

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

M. Balasubramanian
161, Backiapuram
Kodaikanal – 624 001
Dindigul District.

.. Applicant

By Advocate **M/s. K.M. Ramesh**

Vs.

1. Union of India
Rep. by the Director (Staff)
Ministry of Communications and 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
Southern Region, T.N.
Madurai – 625 002.
4. The Senior Superintendent of Post Offices
Dindigul Division
Dindigul – 624 001.

.. Respondents

By Advocate **Dr. G. Krishnamurthy**

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 the scheme which is made in No. 37-36/2004/SPB-I/C dated 20.01.2010 and the order of the 3rd respondent made in No. BIII/RNR/Dlgs dated at Dindigul 624001 the 15.10.2015 and set aside the same

(ii) Consequently direct the respondents to appoint the applicant on compassionate ground in any one of the post in the 3rd respondent division on considering his educational qualification with all attendant benefits”

2. It is submitted that the applicant's father died while in service as a Postman in the Respondent Department on 16.10.2004. The applicant submitted a representation for compassionate appointment in the year 2008. The applicant was accommodated as Postman (Outsider) till the year 2012 when his case was considered for compassionate appointment. The 4th respondent rejected the claim for compassionate appointment on 03.07.2012 on the ground that the family of the applicant was not sufficiently indigent as per the Relative Merit Points (RMP) and due to non-availability of posts under the 5% quota. The applicant challenged the order in OA 1281/2012 which was disposed of by an order dated 22.1.2015 directing the respondents to reconsider the claim. The impugned order dated 04.06.2015 (Annexure A5) had been passed rejecting the claim of the applicant, aggrieved by which the applicant is before this Tribunal.

3. Learned counsel for the applicant would submit that the applicant's case

ought to have been considered under the 'old system' prevailing at the relevant time in 2008, when the indigence of the family of an applicant was not assessed on the basis of the RMP but otherwise subject to eligibility. Had the applicant been considered in the year 2008, he would have been granted appointment, it is alleged. However, his case failed to be considered for no fault of his. Further, the applicant's monthly income was taken as Rs. 3000/- and only 3 merit points had been granted whereas he was entitled to 5 merit points. It is alleged that one P. Vijayalakshmi who got 66 RMPs was granted compassionate appointment and, therefore, the respondent's contention that the RMP of the last selected candidate in the category of Postman was 75 is incorrect. Accordingly he would seek the impugned order to be set aside with a direction to the respondents to consider his case more objectively and in terms of the scheme prevailing in the relevant year.

4. Learned counsel for the respondents would submit that the respondents passed the impugned order strictly in accordance with the directions contained in the order of this Tribunal dated 22.01.2015. It is pointed out that the applicant could only be awarded 51 merit points against the aggregate merit points of 75 and 91 respectively of the last selected candidate in the category of Postman and MTS. In the category of Postman there were 171 candidates with RMP between 52 and 74 and 7 candidates including the applicant received 51 RMP. In the category of MTS there were 171 candidates with RMP 52 to 90 and 3 candidates including the applicant had got 51 RMPs. Accordingly, the applicant was nowhere near the aggregate RMP of the last selected candidate in either category and, therefore, the impugned order was absolutely fair and just in the facts and circumstances of the

case. As for the prayer that the applicant's representation should have been considered as per the scheme that prevailed in the year 2008, it is submitted that the scheme of compassionate appointment had not undergone any drastic change except that the methodology of selection had been made more objective by evolving different criteria under which merit points are awarded. Never was there any provision in the scheme that a request for compassionate appointment should be granted solely on the basis of eligibility without reference to indigence of the family and, therefore, the claim that the applicant should be considered under the old scheme was meaningless.

5. I have considered the matter. It is not in dispute that the Circle Relaxation Committee considered the case of the applicant against various criteria and attributes and awarded him 51 RMP. It is also not in dispute that the RMP of the last selected candidate in the cadre of Postman was 75 and MTS was 91. It would, therefore, appear that even if the respondents had erred in the allocation of merit points under one or two criteria, still the applicant was nowhere near the marks of the last selected candidate in the two categories. As for the allegation that one P. Vijayalakshmi who got 66 merit points was granted compassionate appointment, it is seen that she was appointed as Postal Assistant and not Postman or MTS as she had the requisite qualification of 12th standard. However, the applicant herein is not 12th standard qualified and, therefore, the respondents have correctly considered him for the cadre of Postman and MTS only.

6. In view of the above, the applicant has failed to make out a case for setting aside the impugned order. However, the applicant's case could be considered in

the subsequent years as stated in the impugned order itself and, therefore, the respondents are directed to inform the applicant of the outcome of such consideration in the subsequent years through a detailed order within three months from the date of receipt of a copy of this order.

7. OA is disposed of in the above terms. No costs.

(R.Ramanujam)
Member(A)
14.08.2018

AS