

**Central Administrative Tribunal
Madras Bench**

OA 310/00031/2015

Dated Friday the 24th day of August Two Thousand Eighteen

P R E S E N T

**Hon'ble Mrs. Jasmine Ahmed, Member (J)
&
Hon'ble Mr. T. Jacob, Member(A)**

R. Ramesh
No. 508, Post Office Street
Nookambadi Village & Post
Mangalam Via
Tiruvannamalai Taluk & District
Pin – 606 752.

.. 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 Posts
Tiruvannamalai Division
Tiruvannamalai, Pin – 606 601.

3. The Inspector of Posts
Tiruvannamalai Sub-Division
Tiruvannamalai
Pin – 606 601.

4. The Sub-Postmaster
Mangalam S.O.,
Tiruvannamalai District
Pin – 606 752.

.. Respondents

By Advocate **Ms. Shakila Anand**

ORAL ORDER

Pronounced by Hon'ble Mrs. Jasmine Ahmed, Member(J)

Heard Mr. Ashok Kumar, learned counsel for applicant. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

“i. To call for the records of the 2nd respondent pertaining to his order made in No.B3/8-56/TR dated 18.11.2014 and the order directing the 4th respondent to fill up the post of GDS BPM, Nookambadi B.O., made in No. B3/293 dated 19.11.2014 and set aside the same; consequent to

ii. Direct the respondents to reinstate the applicant into service with all attendant benefits; and,

iii. To pass such further orders”

2. It is the contention of the learned counsel for the applicant that the case of the applicant was considered as per the merit points for compassionate appointment and not being found suitable as per the merit point his case was rejected. The learned counsel for the applicant states that the respondents themselves had issued an office order dated 30.05.2017 issued by Government of India, Ministry of communications (GDS Section) and therein para no. 3 it is read as under:

“The scheme will come into effect from the date of issue of the letter and will be applicable to all cases pending and arising on or after the said date. The cases which have already been settled will not be reopened.”

3. Learned counsel for the applicant states that as the respondents themselves have dispensed with the merit point system his case has to be considered again in the light of the OM dated 30.05.2017.
4. Learned counsel for the respondents states that as the applicant's case had already been considered prior to the notification came before light i.e. 30.05.2017, his case cannot be considered again.
5. Learned counsel for the applicant has handed over the copy of the order dated 23.03.2018 in OA 1385/2016 wherein we see that this Tribunal has given direction to the respondents to consider the case of the applicant for future consideration in the light of the OM dated 30.05.2017.
6. We have considered the argument of the rival parties and perused the judgment in OA 1385/2016. As compassionate appointment is not to be considered once, hence in the light of the order passed by this Tribunal in OA 1385/2016, we direct the respondents to consider the case of the applicant in future for consideration as per the notification dated 30.05.2017 and take an appropriate decision as enumerated in the office order dated 30.05.2017.
7. Accordingly the OA is disposed of with the above said direction. No costs.

(T. Jacob)
Member (A)

24.08.2018

(Jasmine Ahmed)
Member(J)

AS