

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.310/01564/2016

Dated Friday, the 12th day of October, Two Thousand Eighteen

PRESENT

HON'BLE MRS.JASMINE AHMED, MEMBER(J)

Y.Arunkumar,
S/o.(late) R.Yuvaraj,
No.4/162, Gangaleri Village & Post,
Alapatti SO, Krishnagiri District,
PIN 635 122

... Applicant

By Advocate M/s R.Malaichamy

Vs.

1.The Union of India rep., by
The Chief Postmaster General,
Tamilnadu Circle,
Anna Salai, Chennai 600 002.

2.Superintendent of Post Offices,
Krishnagiri Division,
Krishnagiri 635 001.

... Respondents

By Advocate Ms.Shakila Anand

ORDER

(Pronounced by Hon'ble Mrs. JASMINE AHMED, Judicial Member)

The applicant has filed this OA under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following relief:

- “(i)To call for the records of the 2nd respondent pertaining to his order which is made in No.B3/Comp appt/R.Yuvaraj/Dlgs dated 11.01.2016 and set aside the same; consequent to
- (ii)Direct the respondents to appoint the applicant on compassionate grounds in any one of the post; and
- (ii)To pass such further orders as this Hon'ble Tribunal may deem fit and proper.”

2. The brief factual matrix of the case is that the father of the applicant died on 13.06.2013 while he was working as Gramin Dak Sevak Mail Deliverer/Mail Carrier (GDS MD/MC), Gangaleri BO a/w Alapatti in the 2nd respondent division. It is contended that at the time of death the deceased left behind, his wife and two sons including the applicant. After the death of the father the applicant and family members made representation dated 31.05.2014 to appoint the applicant on compassionate grounds. But vide letter dated 11.01.2016, the claim of the applicant for grant of compassionate appointment has been rejected on the plea that the applicant has not secured the minimum required relative merit points. The counsel for the applicant states that as per the revised scheme of compassionate ground appointment to GDS dated 17.12.2015, merit points for consideration of grant of compassionate appointment has been revised from 51 to 36 for hard and deserving cases. It is also contended by the counsel for the applicant that the calculation done by the respondents in respect of the applicant is wrong and faulty which found place at Page No.4 of the counter filed by the respondents which is extracted as under:

Sl.No.	Category	Maximum Points allotted	Actual Liability	Points to be awarded as per the revised points in Dte letter dated 17.12.2015
1	No. of Dependents	15	2 dependents	10

2	Outstanding liabilities for Education of children/marriage of daughters	25/20	NIL	0
3	Left over service for discharge	10	9 years 1 month & 22 days	4
4	Own Agricultural land and house	5/5	Uncultivable Agricultural Land Owned house	30
5	Family earnings of members of family per month	10	Rs.2000/- per month	8
6	Discharge benefits	10	Rs.1,65,672.00	5
7	Grace points for widow applicant	15	NIL	0

He states that while calculating the number of dependents, the respondents have omitted one and took into consideration only two dependents of the deceased employee. The respondents also made faulty calculation in regard to column 4 which speaks about 'Own Agricultural Land and House' and also in regard to column 5 which speaks about 'Family earnings of members per month'. He states that it will be minimum 41 marks as per merit whereas the respondents have calculated as 30. So he contended that as per the revised consideration, 36 is sufficient for being considered to be appointed on compassionate ground. Counsel for the applicant states that compassionate ground appointment is a welfare scheme in which mainly the penury condition of the family is to be taken into account. In this regard, counsel for the applicant states that the family is having outstanding liabilities of loan and there is no earning member in the family and the entire family was completely and solely dependent on the deceased employee.

3. Per contra, the counsel for the respondents states that vide letter dated 03.10.2016, already the representation of the applicant dated 21.09.2016 seeking compassionate appointment has been considered and rejected because of not fulfilling the minimum required relative merit points. He also states that the case of the applicant was considered by the CRC and did not found to be a fit case for grant of compassionate appointment. Counsel for the respondents also states

that as the case of the applicant has already been considered prior to the notification dated 30.05.2017, his case cannot be considered again.

4. Heard the arguments of the parties and perused the documents and records.

5. Learned counsel for the applicant has handed over a copy of the order dated 24.08.2018 in OA 31/2015 passed by this Bench and states that similar direction may be given in this case also. Gone through the copy of the order in OA 31/2015 and found the case in hand is similar in nature.

6. I have considered the arguments of the rival parties and perused the order in OA 31/2015 as well as OA 1385/2016. As per the judgement of the Hon'ble High Court of Allahabad in WP No.13102/2010, the ceiling of three years for consideration of the case of compassionate ground appointment has been withdrawn. Hence, the case of the applicant needs to be considered again. Accordingly, the respondents are directed to consider the case of the applicant in future for grant of compassionate ground as per the notification dated 30.05.2017 and take an appropriate decision as enumerated in the Office Order dated 30.05.2017. Accordingly the OA is disposed of with the above said direction. No costs.

(JASMINE AHMED)
MEMBER (J)
12.10 .2018

M.T.