

**Central Administrative Tribunal
Madras Bench**

OA/310/00102/2017

Dated Wednesday the 31st day of January Two Thousand Eighteen

P R E S E N T

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

J.Jeyaprakasam,
S/o (late) V.Jeyakodi,
No.240, Somaiyapuram Street,
Rajapalayam 626 117. .. Applicant
By Advocate **M/s.R.Malaichamy**

Vs.

1. Union of India, rep by the
Director (Staff),
M/o Communications & IT,
Department of Posts, Dak Bhavan,
Parliament Street,
New Delhi 110 001.
2. The Chief Postmaster General,
Anna Salai, Chennai 600 002.
3. Senior Superintendent of Post Office,
RMS 'MA' Division,
Madurai 625 001. .. Respondents

By Advocate **Mr.S.Nagarajan**

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 which is made in No.REP/34-OA 519/2016 dated 27.10.2016 in so far as rejecting the request of the applicant for appointment on compassionate grounds and set aside the same; consequent to

(ii) direct the respondents to appoint the applicant on compassionate grounds in any one of the post such as Electrician or water carrier or gardener or in any other similar post, on considering his educational qualification and technical qualification with all attendant benefits; and

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

2. It is submitted that in terms of the consolidated instructions on compassionate appointment issued by the DoPT dated 16.1.2013, compassionate appointment could be made upto 5% of vacancies falling under DR quota in Group 'C' posts. The applicant had been considered for compassionate appointment by the relevant Circle Relaxation Committee (CRC) on 28.7.2015 but could not be recommended for appointment for the reason that he was not sufficiently indigent in terms of Relative Merit Points(RMP) compared to the last selected candidate. The RMP of the last selected candidate for the cadre of Postal Assistant(PA) was 66 whereas the applicant could obtain only 65. The RMP of the last selected candidate for Postman cadre was 73 and MTS cadre 85. Accordingly the applicant could not be accommodated in these cadres.

3. Learned counsel for the applicant would draw attention to Annexure A2 National Trade Certificate produced by the applicant in terms of which the applicant could be regarded a qualified Electrician having passed the prescribed Trade Test in the month of July 2002. Attention is drawn to Sl.No.7 of the Scheme for compassionate appointment approved under the aforesaid OM dated 16.1.2013. Accordingly, compassionate appointment could also be made against Technical posts at Group 'C' and erstwhile Group 'D' level. The 5% quota would be calculated on the basis of total DR vacancies arising in a year in the technical posts. The applicant would, therefore, be satisfied if his case was considered for appointment to the post of Electrician in the respondents' department subject to availability of vacancies.

4. On perusal of Annexure A14 impugned communication dated 27.10.2016, it is clear that the applicant had been considered for appointment to Postal Assistant, Postman and MTS cadres. However, it is not clear whether MTS included technical posts such as Electrician. Learned counsel for the respondents submits that in case the applicant had not been considered in terms of the said provisions inspite of availability of vacancies on the post of Electrician, he could be considered by the respondents in the next CRC.

5. In view of the submissions, I deem it appropriate to direct the competent authority to ascertain whether any vacancies were available on the posts of Electrician in the year 2015 and if so, whether the applicant's case was considered for such post also. In case his case was not considered specifically for such post

inspite of availability of vacancies under the 5% quota, his case shall be placed before the next CRC from 2015 onwards and its recommendation obtained in this regard.

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

(R.Ramanujam)
Member(A)
31.1.2018

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