

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 18th day of December Two Thousand And Eighteen

PRESENT:
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/79/2018

G. Karthick,
S/o. (late) K. Ganesan,
No.35/14/3,
Venkatachalam Street,
Royapuram,
Chennai- 600 013.

....Applicant

(By Advocate: M/s. R. Malichamy)

Versus

1. Union of India Rep. by
The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai- 600 002;
2. The Postmaster General,
Chennai City Region,
Chennai- 600 002;
3. The Chief Postmaster,
Anna Road HPO,
Chennai- 600 002.

...Respondents

(By Advocate: Mr. S.Nagarajan)

ORAL ORDER

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

Heard. Applicant has filed this O.A. seeking the following relief:-

- i) To call for the records of the 1st respondent pertaining to his order made in No. REP/32-6/2013 dated 27.11.2017 and set aside the same, consequent to;
- ii) direct the respondents to appoint the applicant as PA on compassionate grounds at par with 2015 selected candidates with all attendant benefits including monetary benefits."

2. The grievance of the applicant is that when he was considered for compassionate appointment in the cadre of Postman and MTS, his case was rejected on the ground that he had obtained Relative Merit Points (RMP) lower than that awarded to last selected candidate in the two categories. While the applicant does not dispute the award of merit points *per se* under various criteria, it is submitted that the applicant had secured 71 RMPs against 66 of the last selected candidate in the category of Postal Assistant. The applicant is a graduate engineer having qualified after completing a three years course of Bachelor of Engineering following a three year Diploma. He could not, therefore, be held ineligible for the category of Postal Assistant which required an academic qualification of Higher Secondary (10+2) only.

3. Learned counsel for the respondents would, however, submit that the applicant had to have a 10+2 qualification and if he had qualified himself above 10+2 without passing through the 10+2 stage, he would not be eligible under the recruitment rules.

4. Learned counsel for the applicant seeks to rely on the order passed by this Tribunal in O.A. No. 824/2014 and batch cases dated 08.01.2016 to claim that a three year Diploma course after 10th standard would be equivalent to 10+2.

5. I have considered the submission. It is not in dispute that the applicant does not possess the qualification of 10+2 *per se*, but he does possess a higher qualification of a degree in Engineering. In the precedent relied upon by the applicant, the minimum educational qualification prescribed was a pass in 10+2 or equivalent. Accordingly, after examining the facts of the case, it was held by the Tribunal that possession of Diploma after 10th standard must be considered equal to 10+2. In the instant case, however, from a perusal of the pleadings, it is not clear whether the qualification prescribed for Postal Assistant is "10+2 or equivalent" or "10+2"only. The question of equivalence would arise only if the recruitment rules allow equivalent qualification to be considered.

6. In view of the above, the respondents are directed to examine the recruitment rules carefully to see if there is a provision for considering an equivalent qualification and, if so, consider the applicant's eligibility accordingly in the light of the precedent case cited *supra*. A reasoned order shall be passed within a period of three months from the date of receipt of copy of this order.

7. O.A is disposed of in the above terms. No costs.

(R. RAMANUJAM)
MEMBER (A)

18.12.2018

Asvs.