

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 07th day of March Two Thousand And Nineteen

PRESENT:

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

O.A. 310/270/2019

G.S. Kamesh,
S/o. (late) G. Shanmugasundaram,
No.5, Bharathiyar Street,
Pammal,
Chennai- 600 075.

....Applicant

(By Advocate: Mr. R. Malaichamy)

Versus

1. Union of India Rep. by
The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai- 600 002;
2. The Assistant Director (Rectt.),
O/o. the Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai- 600 002;
3. The Senior Superintendent,
Railway Mail Service (RMS),
Airmail Sorting Division,
Chennai- 600 027.

.....Respondents

(By Advocate: Mr. Su. Srinivasan)

ORAL ORDER

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

Applicant has filed this OA seeking the following reliefs:-

- “i) to call for the records of the 3rd respondent pertaining to his order which is made in Memo No.B-110/CA/OA-750/GSK/18 dated 20.11.2018 and set aside the same, consequent to
- ii) direct the respondents to appoint the applicant on compassionate grounds in any one of the vacant post such as Turner, Sweeper, Water Carrier, Gardener, etc., on considering his educational qualification.”

2. The applicant had previously filed O.A. No. 750/2018 which was disposed of by an order dated 20.06.2018 directing the respondents to examine if the specific request of the applicant could be considered for appointment to the post of Machine Shop Practice-Turner in MMS wing or any other wing in accordance with the department's policy, eligibility of the applicant and availability of posts under the 5% quota etc as per the scheme of compassionate appointment and pass a reasoned and speaking order. Annexure A/18, dated 20.11.2018 impugned order came to be passed in compliance thereof rejecting the representation of the applicant. Accordingly, the applicant is before this Tribunal in the second round of litigation.

3. Learned counsel for the applicant would submit that the applicant had been engaged as Mazdoor from the year 2002 and he could be considered

for appointment to the post of Turner in the next CRC. The applicant prays for a specific direction from the Tribunal in this regard.

4. Mr. Su. Srinivasan, Ld. Standing Counsel for the respondents takes notice on behalf of the respondents.

5. On perusal, it is seen that the respondents have stated in the impugned order that there is no such post of Machine Shop Practice Turner available in Tamilnadu Circle. There is only one post of Turner available in MMS, Chennai and the said post is to be filled 100% by promotion failing which only by Direct Recruitment. It is further stated that the said post is not vacant since 2011.

6. Clearly in the aforesaid situation, the applicant could not have been considered for appointment on compassionate grounds. The applicant's request for appointment on other posts such as Turner, Sweeper, Water Carrier, Gardener etc was not covered by the order of this Tribunal in OA No. 750/2018. However, since it is stated that the applicant is working as Mazdoor, it is for the respondents to consider his case appropriately for appointment to suitable posts in accordance with the scheme for compassionate appointment if and when vacancies are available and if the applicant met the criteria laid down for this purpose.

7. OA is dismissed with the above observations. No costs.

(R. RAMANUJAM)
MEMBER (A)