

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

Dated the Thursday 21<sup>st</sup> day of March Two Thousand And Ninteen

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

O.A. 310/1232/2018

V. Benarji,  
S/o. Late V. Pushpalatha,  
Formerly Postwoman,  
Big Kanchipuram Post Office,  
Residing at: No. 65, Radhakrishanan St.,  
Tiruttani- 631 209 (Tiruvallur Dist.)

....Applicant

(By Advocate: Mr. P.R. Satyanarayana)

Versus

1. Union of India Rep. by  
Chief Postmaster General,  
Tamilnadu Circle,  
Chennai- 600 002;
2. Postmaster General,  
Chennai City Region,  
Chennai- 600 002;
3. Superintendent of Post Offices,  
Kanchipuram Postal Division,  
Kanchipuram- 631 501.

...Respondents

(By Advocate: Mr. Su. Srinivasan)

**ORAL ORDER**

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

Heard. OA has been filed by the applicant seeking the following relief:-

“to call the records relating to proceedings(i) No. B2/RRR/D-25 dated 11.04.2013 passed by the third respondent, (ii) No. REP/32-8/2012 dated 08.09.2014 (iii) No. REP/32-8/2012 dated 19.06.2018 passed by the first respondent and quash them as arbitrary and irrational and direct the respondents to reconsider the claim of the applicant for appointment under compassionate grounds by giving due and special consideration to the death of his mother while performing duty, if necessary, beyond the point system evolved by the Department and also by awarding due merit points under different heads as applicable and appoint the applicant in any suitable post in any unit under compassionate grounds.”

2. The grievance of the applicant is that his request for compassionate appointment following the death of his mother on 30.07.2011 in a road accident while performing duty had not been considered favourably. The applicant's request was rejected by Annexure-A/18 impugned communication dated 19.06.2018. He was informed that he had been granted 58 Relative Merit Points (RMP) only as against 63 & 73 in the years 2013 and 2015 respectively of the last selected candidate in the category of Postman. The RMPs of the last selected candidate in the category of MTS in 2013 & 2015 were 61 & 85 respectively.

3. Learned counsel for the applicant would allege that the applicant was under assessed against the criteria of monthly income of earning members. As the applicant's father was only employed as a Cooley and had no regular income, the applicant was entitled to 5 merit points under this criteria. However, he was awarded only 4. It is also submitted that the applicant's father was a disabled person who was not capable of earning his livelihood for himself. Further, the respondents failed to take into account the dependency of the applicant's grandmother i.e. mother of the applicant's mother when she was alive as also that of one handicapped sister of the applicant's mother. Had these factors been taken into account, the applicant would have been awarded 15 merit points which would have taken him above the last selected candidate in the category of Postman & MTS in the year 2013.

4. Learned counsel for the applicant would further submit that the applicant had since qualified Higher Secondary and was accordingly entitled to be considered for the post of Postal Assistant also. In such circumstances, he would pray for necessary direction to the respondents to consider his candidature for all the three categories duly taking into account the aforesaid factors.

5. Learned Senior Central Government Standing Counsel would, however, argue that under assessment to the extent of one Relative Merit Point under the income criteria of his father had already been admitted by the respondents. However, this would make no significant difference to the outcome as the RMP of the last selected

candidate in the category of Postman and MTS in the years 2013 & 2015 were well above that of the applicant.

6. As for the claim of dependency of the applicant's grandmother as also the Handicapped sister of the applicant's mother, the definition of dependent family member as contained in the scheme of compassionate appointment as contained in the DOP&T OM dated 16.01.2013 would not allow for such dependency to be taken into account. The scheme is restricted to relations of the government employees, such as, spouse, son, daughter and brother or sister in the case of unmarried wholly dependent on the government servant. The applicant's claim for being awarded five additional merit points for the dependency of his grandmother and mother's sister was beyond the scope of the scheme.

7. Regarding the claim that the applicant had qualified Higher Secondary and was entitled to be considered for appointment in the category of Postal Assistant, it is submitted that the respondents had already taken due cognizance of this and directed the applicant to produce the relevant certificate for verification. After verification, further action would be taken as and when cases of compassionate appointment are taken up further for the years subsequent to 2015.

8. I have considered the submission and the pleadings of the rival parties. It is not in dispute that the applicant failed to secure the minimum RMP required for appointment in the category of Postman and MTS in the years 2013 & 2015 even allowing for one additional point under income criteria. Further, the dependence of persons outside the family as claimed by the applicant are not

covered by the scheme and, therefore, no directions could be issued in this regard.

9. It is also evident that the respondents have already taken cognizance of the applicant's qualifications and will be considering him for the category of Postal Assistant also as and when compassionate appointment cases are recommended in the years subsequent to 2015 & 2016.

10. In view of the above, I deem it appropriate to dispose of this OA with a direction to the respondents to consider the case of the applicant for all the three categories in the next meeting of the CRC for the years subsequent to 2015 and take an appropriate decision on merits.

11. At this stage, both sides would point out that the applicant's mother had only served a Postwoman for a period of about 2½ months i.e about 80 days. The applicant's mother was a GDS prior to her appointment as Postwoman. It is not clear if the applicant's mother retained a lien, if any, on the post of GDS pending confirmation as Postwoman. Learned counsel for the applicant would submit that in the event of a lien on the post of GDS being maintained, the applicant would be entitled to be considered under the compassionate appointment scheme for GDS as well and the respondents may be directed to consider his claim for appointment as GDS in terms of the relevant scheme.

12. Learned standing counsel for the respondents submits that the respondents would have no objection to considering the claim of

the applicant under the relevant scheme for GDS, if the applicant's mother had continued to have a lien on the post of GDS.

13. Keeping in view the above submission, I deem it appropriate to further direct the respondents to consider the claim of the applicant under the relevant scheme for GDS, if eligible and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

14. OA is disposed of as above. No costs.

(R. RAMANUJAM)  
MEMBER (A)

21.03.2019

Asvs.