

**Central Administrative Tribunal
Madras Bench**

OA/310/01430/2018

Dated Monday the 4th day of February Two Thousand Nineteen

P R E S E N T

Hon'ble Mr. T.Jacob, Member(A)

G.Vignesh
S/o late K.Gnanasambandam,
No.38/104, T.S.V.Kovil Street,
Mylapore,
Chennai 600 004.

.. Applicant

By Advocate **M/s. P.Rajendran**

Vs.

1. The Union of India, rep by the
Chief Post Master General,
Tamil Nadu Circle,
Chennai 600002.
2. The Assistant Director(Rectt.),
O/o the Chief Postmaster General,
Tamil Nadu Circle,
Chennai-2.
3. The Superintendent,
R.M.S., Chennai Sorting Division,
Chennai 600008.

.. Respondents

By Advocate **Mr. M. Kishore Kumar**

ORAL ORDER

[Pronounced by Hon'ble Mr. T. Jacob, Member(A)]

The applicant has filed this OA seeking the following relief:-

“To call for the records relating to the impugned order of the second respondent in No.REP/31-20/2012 dated at Chennai 600002 the 17.7.2018 and quash the same and direct the respondents to appoint the applicant on compassionate grounds in any suitable job and grant him all consequential benefits and render justice.”

2. Heard both. Learned counsel for the applicant would draw attention to Annexure A11 impugned order dated 17.7.2018 and submit that the respondents rejected the applicant's claim for compassionate appointment on the ground that his case for compassionate appointment was examined in CRC-2013 and 2015 but not recommended due to less indigency and for want of 5% DR vacancy. The respondents vide order dated 17.7.2018 has stated that after the year 2015, CRC could not be convened as the matter of compassionate appointment is subjudice before various courts and CRC would be convened after the judicial process is over. The case of the applicant would be considered again for compassionate appointment after the judicial process is over along with other cases, against the 5% DR vacancies.

3. Learned counsel for the applicant submits that the applicant earlier filed OA 113/2016 and this Tribunal in its order dated 27.1.2016 held that the the applicant was at liberty to give fresh representation detailing

his indigent circumstances, thereupon the respondent authority concerned to consider the same on merits and place the circumstances that would be set out by the applicant in the ensuing relaxation committee for consideration and communicate the result thereafter. Pursuant to the said directions of this Tribunal, the applicant submitted a representation on 23.2.2016 for which a reply dated 23.2.2016 was given to the applicant stating that the applicant's case would be placed before the ensuing CRC and examined on merit along with other cases against the 5% DR vacancies of subsequent years as per DOP&T Instructions vide OM dated 26.7.2012. Thereafter on 9.2.2017 and 17.7.2018 the same reply was given to the applicant that the matter is subjudice and that his case would be placed before the ensuing CRC and the result would be communicated to him. But no details have been given with regard to the cases that are stated to be pending in the courts. The applicant is indigent and accordingly eligible to be appointed on compassionate grounds and the applicant would be satisfied if a direction is given to the respondents to hold CRC, 2018 within the time limit to be stipulated by this Tribunal, it is submitted.

4. Learned counsel for the respondents would, however, oppose the contention of the applicant and submits that as per the directions of Hon'ble CAT in OA 44/2017 filed by Shri K. Karthikeyan, the department has taken necessary action to conduct CRC and the same is under

progress. For the said purpose, a committee has already been constituted to look into the issues and decide the procedures to be adopted for holding CRC, 2018. It is also submitted that CRC will be convened on acceptance of recommendations of the committee. He would also submit that the CRC was not convened in Tamilnadu Circle only due to various court cases pending before courts on compassionate appointment. He produces the details of court cases pending before the Hon'ble High Court/Supreme Court to this effect, which is taken on record.

5. I have carefully considered the pleadings on both sides. In view of the above, since the department has already constituted a Committee to look into the issues and decide the procedures to be adopted for holding CRC, 2018, I deem it appropriate to issue the following directions:-

- (i) All the vacancies for various years under compassionate appointment are properly identified year wise;
- (ii) Applications received during the relevant vacancy years (it could be from January to December or as is convenient) are arranged without any omission;
- (iii) Parameters for allocation of marks as per the extant rules/instructions shall be kept ready;
- (iv) All the applications received in a vacancy year shall be scrutinised, evaluated according to the parameters and suitable candidates as per the orders of merit be offered appointment on compassionate basis;
- (v) The rest of the applications shall be considered along with the applications of that vacancy year and merit list drawn and to the extent the vacancies under compassionate appointment permit,

offer of appointment could be accommodated and remaining applications clubbed with the immediately subsequent year applications and these be considered for the vacancy of that year.;

(vi) The result of the above shall be displayed in the website of the department for ensuring transparency.

6. The OA is disposed of in the above terms. No costs.

(T.Jacob)
Member(A)
04.2.2019

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