

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01753/2016

Dated Thursday the 16th day of August Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

S.K.Shanmugaraja,
Old No. 2/46, New No. 18,
Eswaran Koil Street,
Sunnambukulam,
Gummidipoondi Taluk,
Tiruvallur Dist 601201.Applicant

By Advocate M/s. R. Malaichamy

Vs

1.Union of India,
rep by the Assistant Director General (GDS),
Ministry of Communications & IT,
Dept of Posts,
Dak Bhavan,
Sansad Marg, New Delhi 110001.

2.The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai. Chennai 600002.

3.The Senior Superintendent of Post Offices,
Tambaram Division,
Chennai 600045.Respondents

By Advocate M/s. Shakila Anand

ORAL ORDER

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

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- "i. To call for the records of the 2nd respondent pertaining to his order which is made in No. REP/36-60/2015 dt. 02.09.2016 and the letter No. 17-39/6/2012-GDS dt. 14.01.2015 issued by the 1st respondent, in so far as it relates to the condition of educational qualification and set aside the same, consequent to
- ii. Direct the respondents to appoint the applicant on compassionate grounds in any one of the vacant posts of GDS or in any other post such as sweeper on considering his educational qualification and
- iii. To pass such further orders as his Hon'ble Tribunal may deem fit and proper."

2. Learned counsel for the applicant submits that although the applicant's request for compassionate appointment as GDS had been rejected by the impugned order dt. 02.09.2016, the respondents have now come out with a new scheme dt. 30.05.2017 under which the 'points system' for assessing the financial condition of the family had been dispensed with. Further, in terms of Sr. No. 8(a) of the revised scheme, subject to the instructions on the subject issued from time to time, any application for compassionate appointment is to be considered without any time limit and decision taken on merit of each case. Accordingly, the applicant is now entitled to be considered for compassionate appointment in the years following the date of issue of

the revised scheme and the applicant would be satisfied if the respondents are given an appropriate direction in this regard.

3. Learned counsel for the respondents would, however, oppose the prayer stating that by Annexure A10 order dt. 02.09.2016, the respondents had rejected the applicant's claim for compassionate appointment not only on the ground of his failing to score adequate merit points but also for want of a minimum qualification of 10th standard as provided in Directorate letter dt. 14.01.2015. There is no question of the applicant's case being considered again unless he met the requisite eligibility criteria.

4. I have considered the matter. It is not in dispute that the applicant does not possess the minimum qualification required for engagement as GDS. I am, therefore, of the view that this OA cannot be entertained on the strength of the revised scheme issued by the respondents dt. 30.05.2017.

5. OA is misconceived and is accordingly dismissed.

**(R. Ramanujam)
Member(A)
16.08.2018**

SKSI