

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 31st day of January Two Thousand And Nineteen

PRESENT:

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

O.A. 310/217/2017

M. Jerina Begum,
W/o. (late) A. Mohamed Iliyas,
No.1.254, A, Jalali Masthan Street,
Adiakkamangalam- 611 101.

....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 Postmaster General,
Central Region (TN),
Tiruchirappalli- 620 001;
3. The Superintendent of Post Offices,
Nagapattinam Division,
Nagapattinam- 611 001.

...Respondents

(By Advocate: M/s. Shakila Anand)

O R A L O R D E R

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

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

"to call for the records of the first respondent pertaining to his order which is made in No. REP/35-05/1999 dated 27.04.2016 and set aside the same, consequent to and to direct the respondents to appoint the applicant on compassionate grounds to any one of the vacant post on considering her educational qualification."

2. Learned counsel for the applicant submits that the applicant wished to challenge Annexure A/6 impugned order dated 24.06.2011 that rejected her claim for compassionate appointment on the ground that the applicant's husband had never been a regular employee and, therefore, the family was not entitled to benefits under the compassionate appointment scheme. It is alleged that the applicant's husband was one of the approved candidates for compassionate appointment who was included in the wait list in the year 1999 after being intimated of his selection and approval for being appointed as Trainee by an order dated 27.09.1999.

3. Similarly placed persons had approached the Hon'ble Apex Court and obtained relief. Accordingly, their services were regularized with effect from their date of approval for training. The applicant's husband had made a request for regularization of his services which was rejected by the respondents by Annexure A/6 communication which inter alia stated that the applicant was not one among the 202 respondents and Interlocutory applicants in SLP No. 2976/08 (Civil Appeal No. 7773/09) & 30 others disposed of by the Hon'ble Apex Court. However, several persons who were

not respondents in the said case had been appointed subsequently and regularized on the directions of this Tribunal/Hon'ble Madras High Court, it is alleged.

4. As the applicant's husband died on 4.9.2011, he did not have sufficient time to challenge Annexure A/6 order. Had he filed a OA in this Tribunal against the said order, he would have certainly been granted the benefit of compassionate appointment similar to others who were not respondents in the case disposed of the by the Hon'ble Apex Court, but similarly placed, it is contended.

5. Learned counsel for the applicant would further submit that the applicant wished to seek retrospective regularization of her husband's services with effect from Annexure A/2 order dated 27.09.1999. If this relief is granted and the applicant's husband deemed to have been appointed from the said date, the applicant would then be eligible for compassionate appointment consequent to the death of her husband. Accordingly, she wished to withdraw this OA with liberty to challenge the order dated 24.6.2011 in a separate OA along with a MA for condonation of delay.

6. Learned counsel for the respondent would submit that the applicant had no case for compassionate appointment as of now as the question of whether the applicant's husband would have successfully challenged the order dated 24.6.2011 had he lived is hypothetical.

7. I have considered the submissions. As the applicant wishes to withdraw this OA with liberty to file a fresh OA challenging the order dated 24.6.2011 along with a MA for condonation of delay, this OA is dismissed as withdrawn with liberty as sought by the learned counsel for the applicant. The admissibility of a fresh OA would be considered if and when it is filed after hearing both sides on the point of law. No costs.

(R. RAMANUJAM)
MEMBER (A)

31.1.2019

Asvs.