

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA No.260 & 261/2019 in O.A.No.310/00944/2017

Dated Friday, the 26th day of April, Two Thousand Nineteen

PRESENT

**HON'BLE SHRI R.RAMANUJAM, MEMBER(A)
&
HON'BLE SHRI P.MADHAVAN, MEMBER(J)**

1. Union of India

Represented by the Secretary
Ministry of Communications & IT
Department of Posts
Dak Bhavan, Sansad Marg
New Delhi 110 011.

2. The Chief Postmaster General

Tamil Nadu Circle
Anna Salai
Chennai 600 002.

3. Superintendent

Railway Mail Service
Chennai Sorting Division
Chennai 600 008.

4. Head Record Officer

Chennai Sorting Division
Chennai 600 008.

... Applicants / Respondents

By Advocate Dr. G. Krishnamurthy

V. Manimozhi
No. 32, Veerasamy Main Road
Ayanavaram
Chennai 600 023.

... Respondent / Applicant

By Advocate M/s R. Malaichamy

ORDER

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

MA 260/2019 has been filed by the respondents in OA 944/2017 seeking condonation of delay of 100 days in filing MA for extension of time and MA 261/2019 for extension of time by a period of six months for compliance of the orders of this Tribunal dated 23.08.2018 in the said OA.

2. Learned counsel for the applicants/respondents in the MA/OA submits that the MA applicants had not been able to comply with the order of this Tribunal as another OA 936/2017 filed by the OA applicant's mother seeking family pension was still pending before this Tribunal. If family pension is granted, the number of points awarded to the OA applicant would be different and as such it was not possible to correctly arrive at the aggregate merit points for the OA applicant at this stage.

3. Learned counsel for the respondent/applicant in the MA/OA would submit that the OA applicant's mother had sought family pension on the ground that such pension would be payable also to a temporary Government servant for which judicial precedents were available. Nevertheless, there is no excuse for delaying the compliance of the order of this Tribunal dated 23.08.2018 in this OA unless the difference on account of such pension crucially affects the claim of the applicant. There is no evidence of the respondents having awarded merit points under all other criteria and found that the pension, if granted would materially affect the outcome of the case of the applicant.

4. Learned counsel for the MA applicant would, however, submit that the applicant's case would be considered in the ensuing Circle Relaxation Committee meeting scheduled in the month of May and the committee would be requested to assess the applicant in respect of all other criteria with provisional merit points for family pension.

5. We have considered the case. Unless the merit points to be awarded in respect of the family pension as one of the criteria would materially alter the

outcome of the claim for compassionate appointment, there is no justification for the respondents to delay the compliance of the order of this Tribunal any further. Accordingly, the respondents are directed to take a final decision in this regard within one month from the date of receipt of a copy of this order. If it is found that the merit points to be awarded for pension would materially affect the outcome, a provisional order may be issued in compliance of the order of this Tribunal in this OA stating that a final decision would be taken after the disposal of OA 936/2016 by this Tribunal.

6. MAs are disposed of in the above terms.

(P.MADHAVAN)
MEMBER (J)

(R.RAMANUJAM)
MEMBER (A)

26.04.2019

M.T.