

Central Administrative Tribunal
Madras Bench

MA/310/00931/2015 (in) (&) OA/310/00038/2015

Dated Wednesday the 3rd day of February Two Thousand Sixteen

P R E S E N T

Hon'ble Mr.K.Elango, Member(J)
&
Hon'ble Mr.R.Ramanujam, Member(A)

M.Chinnasamy,
S/o. (late) S.Murugesan,
Maniyangi Village,
Thathaneri po,
Madurai District 625 018. .. Applicant

By Advocate Mr.R,Malaichamy

Vs.

1. Union of India, rep by the
Chief Postmaster General,
Tamil Nadu Circle, Anna Salai,
Chennai 600 002.
2. The Postmaster General,
Southern Region (TN),
Madurai 625 002.
3. The Senior Superintendent of Post Offices,
Madurai Division,
Madurai 625 002. .. Respondents

By Advocate Ms. Shakila Anand

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

The facts of the case according to the applicant are that his father who was working as a Group-D under the respondents department died in harness on 06.11.1999 while in service, leaving behind, his wife, 4 sons including the applicant and one daughter. Among this, the sister and other two elder brothers of the applicant got married and are living separately. Following the death of the deceased Government servant, the applicant's mother made representation dated 26.9.2011 to the 3rd respondent to give appointment to the applicant's younger brother. Thereafter the applicant's younger brother made representation dated 25.9.2011 to the 3rd respondent for compassionate appointment to him but his claim was rejected by the 3rd respondent vide order dated 05.7.2012 and 24.7.2012 stating that he was less indigent as per relative merit points and could not be accommodated within the 5% Direct Recruitment vacancy. Hence, this OA seeking to call for the records pertaining to the orders of the 3rd respondent dated 05.7.2012 and 24.7.2012 and set aside the same.

2. The applicant has filed MA to amend the prayer to one of calling for the record of the 3rd respondent pertaining to his order dated 07.9.2015 also and set aside the same.
3. The respondents in their reply statement have submitted that pending 876 cases including the case of the applicant was placed before the Circle Relaxation Committee (CRC) which scrutinised all the cases as per the existing rules and with

reference to the relative merit points limited to 5% vacancy of Direct Recruitment quota earmarked for compassionate appointment. The applicant got 57 points for each and every attributes submitted by the applicant. As the applicant studied upto SSLC, he was eligible to be considered for Postman/MTS vacancies as per the recruitment rules. But the CRC did not recommend the case of the applicant as the relative merit points awarded by him was only 57 which is less than that of the selected candidates in Postman/MTS cadre. Thus, the order of the 3rd respondent dated 05.7.2014 and 24.7.2012 were based on the decision of the CRC communicated in letter dated 08.6.2012 of the 1st respondent and the same could not be challenged as the CRC had decided the case of the applicant after assessment of all relevant factors.

4. The applicant has filed rejoinder stating that the merit points have to be awarded by considering the economical status of the deceased employee's family at the time of death and not thereafter. The scheme has not specified the cut-off date. Therefore, as per the various decisions of the Hon'ble Supreme Court of India, the date of death is the crucial cut-off for considering grant of points for appointment on compassionate grounds.

5. When the matter is taken up for hearing today, learned counsel for the applicant draws attention to the information contained in the letter from Senior Superintendent of Post Offices, Madurai, addressed to the applicant dated 07.9.2015 in which it is stated that the applicant's case could not be recommended for the year 2015 for want of Direct Recruitment vacancies in the respective cadre

under RRR quota and the applicant having been determined as less indigent as per relative merit points under the RRR quota. It is also stated therein that the applicant's case will be placed in the next CRC and examined on merit along with the fresh cases received, subject to the availability of the vacancies under the RRR quota. Learned counsel for the applicant submits that in the light of this information, the respondents may be directed to consider the case of the applicant as per the said letter and in accordance with the scheme for compassionate appointment in the next meeting of the CRC. Learned counsel for the applicant also submits that in accordance with the DoPT instructions, the liability of the deceased Government servant should also be taken into account besides the assets in terms of para 9(b) of the Consolidated Instructions issued by the DoPT dated 16.1.2013.

6. In view of the above submission, we deem it appropriate to direct the respondents to consider the case of the applicant in accordance with law and the provisions of the approved scheme of compassionate appointment and related instructions/clarifications on the subject in the next meeting of the CRC.

7. The OA is disposed of in the above terms. Accordingly, the MA also stands disposed of. No order as to costs.