

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

Dated the Tuesday 17<sup>th</sup> day of July Two Thousand And Eighteen

PRESENT:

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

O.A./310/1209/2016

Leo Prakash,  
S/o. T. Kumaran,  
Plot No. 311, Vinayaga Nagar,  
5<sup>th</sup> Street, Anagapudur Post,  
Chennai- 600 070.

.....Applicant

(By Advocate : Mr. R. Malaichamy)

VS.

1. The Union of India,  
Rep. by Chief Post Master General,  
Anna Salai,  
Chennai-2;

2. The General Manager (PAF),  
Department of Posts,  
Tamilnadu Circle,  
Egmore, Chennai- 600 008.

... ..Respondents

(By Advocate: Mr. C. Kulanthaivel)



**ORAL ORDER**

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

Heard both sides. The O.A has been filed by the applicant seeking the following relief:-

"To call for the records relating to the impugned rejection order passed by the First respondent herein in his proceedings No. REP/31-13/2013 CAT Dt.21.06.2016 and set aside the same and to direct the respondents herein to give compassionate appointment to the applicant herein in any of the posts in Group C and Group D permanent vacancy posts which are all available in the first respondent's department."

2. It is submitted that the applicant is aggrieved with Annexure-A/11 communication of the respondents dated 21.06.2016 rejecting his claim for compassionate appointment on the ground that the applicant got only 35 Relative Merit Points (RMP) as against RMP of 73 in the category of Postman and 85 in MTS of last selected candidate under compassionate appointment. As more indigent applicants had to be given preference, the applicant's case was not recommended by the Circle Relaxation Committee in the year 2015, according to the respondents.
3. Learned counsel for the applicant would submit that before the applicant's mother died on 26.2.2013, she had been deserted by her husband. Due to sufferings and mental pain, she had severe health problems for which she was admitted into several hospitals for treatment between 2004- 2013. As such, all the savings of the applicant's mother had



been exhausted and, therefore, the respondents were not correct in awarding the merit points based on the terminal benefits of his father and the pension drawn by him.

4. It is further submitted that while the applicant did not have an adequate score for MTS, the applicant being a Diploma Holder did fulfil eligibility criteria for certain other posts for which compassionate appointment does not appear to have been considered. Reliance is placed on the order of this Tribunal in O.A. No. 1031/2014 dated 23.04.2018 by which the respondents therein had been directed to ascertain the number of posts other than those included in the category of Postman, Postal Assistant and MTS for which the applicant therein possessed the requisite qualification and eligibility and in the event of availability of such posts in adequate numbers for compassionate appointment to consider the request in terms of the scheme for compassionate appointment and pass appropriate orders. It is submitted that the applicant would be satisfied if a similar order is passed in this case.

5. Learned counsel for the respondents would point out that the applicant had been assessed well below the last selected candidate in the two categories for which compassionate appointments were considered. However, there is no objection to the applicant being considered for other posts if at all such posts are available for compassionate appointment within the 5% ceiling and the applicant fulfilled the eligibility criteria. It is also pointed out that even in the impugned order it had been stated that the



applicant's case would be placed before the next CRC and examined on merits along with other cases within 5% Direct Recruitment vacancies of subsequent years.

6. In view of the above submission, I deem it appropriate to direct the respondents to see if the applicant could be considered for compassionate appointment on any of the posts other than in the category of Postman and MTS in the light of his educational qualification and if compassionate appointment is permissible in such category within the 5% ceiling, consider him accordingly. The respondents are also directed to inform the applicant of the outcome of the consideration of his case even in the category of Postman and MTS in the subsequent years after the impugned order was passed. Respondents shall pass a reasoned and speaking order within a period of three months from the date of receipt of copy of this order.

7. O.A. is disposed of. No costs.