

CENTRAL ADMINISTRATIVE TRIBUNAL**MADRAS BENCH****OA/310/01350/2017****Dated , the day of December, 2019****PRESENT****Hon'ble Mr.T.Jacob , Member(A)**

M. Kalaivanan,
S/o (late) A.Muthusamy,
No.4/167, Sundamettur,
Konganapuram,
Salem District,
Pin - 637 102.

....Applicant

By Advocate M/s R.Malaichamy

Vs

1. Union of India
Rep by the Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai- 600 002.

2. The Superintendent of Post Offices,
Namakkal Division,
Namakkal - 637 001.

....Respondents

By Advocate Dr. G.Krishnamurthy

ORDER

(Pronounced by Hon'ble Mr. T. Jacob, Member (A))

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 B3/19-MK/61 dated 17.05.2016 and the order of 1st respondent made in No.REP/36-25/2016 dated 02.02.2017 and set aside the same; consequent to,
- ii. direct the respondents to appoint the applicant as GDS on compassionate grounds..."

2. The brief facts of the case as submitted by the applicant are as follows:

The applicant's father died on 24.07.2015 while working as GDS MD Veerappampalayam B.O, a/w Vellandivalasai SO leaving behind him his wife, one daughter and one son, the applicant herein as his legal heirs. Without properly awarding points to the applicant, his request for compassionate appointment was rejected by the 2nd respondent by an order dated 17.05.2016. As per the revised scheme dated 17.12.2015, the hard and deserving cases would be 36 points in place of existing 51 points for considering appointment on compassionate grounds to the cadre of GDS. As per the revised scheme, the applicant is entitled to award around 40 points and he should be appointed as GDS on compassionate grounds. Therefore, on coming to know of the revised scheme dated 17.12.2015, the applicant again requested the 1st respondent to re-consider his claim, but the 1st respondent vide his order dated 02.02.2017 rejected his claim. Aggrieved by the above, the applicant has filed this OA seeking the above relief, inter alia, on the following grounds:-

i. The DoPT has provided for limiting compassionate appointment of wards of Departmental Employees to 5% of the total vacancies. No such stipulation has been made in this regard in respect of GDS. However, a 10% ceiling was fixed for appointment on compassionate grounds to the wards of the deceased GDS employees and the said 10% ceiling limit was also removed vide scheme dated 01.08.2011. Hence, the applicant is entitled for appointment as GDS on compassionate grounds.

ii. As per the earlier scheme, appointments were given to the hard and deserving cases. They defined the term “hard and deserving cases” as the cases over and above 50 merit points. As per the latest scheme dated 17.12.2015, the existing 51 points has been replaced by 36 points. In the case of the applicant the points works out around 40. Hence, rejecting the case of the applicant by the respondents is arbitrary and illegal and therefore, the orders of the respondents dated 17.05.2016 and 02.02.2017 are liable to be set aside by this Tribunal.

3. Per contra the respondents in their reply have stated that that the father of the applicant expired on 24-07-2015 while he was working as GDS MD Verappampalayam Branch Post Office a/w Vellandivalasai Sub post office. Shri M. Kalaivanan, the applicant herein as the son of the deceased submitted an application requesting for appointment on compassionate grounds for a post in Gramin Dak Sevak cadre. The synopsis containing the details of family members, size of the family, ages of the children, monthly income, assets and liabilities and such as the

presence of earning member etc., submitted by the applicant was duly verified through the Field Officer and submitted to the 1st respondent for consideration on 21-03-2016. Based on the guidelines issued in Directorate's letter No.17-17/2010-GDS dated 17-12-2015, the applicant's application was considered by the Circle Relaxation Committee in the 1st respondent's office. The relative merit points of the applicant as per the synopsis submitted by him worked out to 21 with reference to the merit points in hard and deserving cases would be 36 points and he has not secured the minimum required relative merit points. Hence the applicant's case was not recommended by the Circle Relaxation Committee as the claim lacks merits on the grounds of less indigent as per relative merit points. The respondents therefore pray for dismissal of the OA.

4. Heard the learned counsel for the respective parties and perused the pleadings and documents on record.

5. At the time of hearing, the learned counsel for the applicant submitted that the applicant will be satisfied if the applicant is permitted to submit a detailed and exhaustive representation to the respondents and the respondents are directed to consider and dispose of the same by passing a reasoned and speaking order within a time limit to be specified by this Tribunal. The learned counsel for the respondents has no objection for such disposal.

6. In view of the above, without going into the substantive merits of the case, the applicant is permitted to submit a detailed and exhaustive representation to the respondents within a period of two weeks and the respondents, on receipt of the same

from the applicant, are directed to pass a reasoned and speaking order in accordance with law and extant orders on the subject within a period of three months thereafter.

7. The OA is disposed of accordingly. No costs.

(T. JACOB)
MEMBER(A)
-12-2019

/kam/