

**Central Administrative Tribunal
Hyderabad Bench**

OA No.765/2017

Hyderabad, this the 6th day of January, 2020

Hon'ble Mr. B. V. Sudhakar, Member (A)

T. Murali
S/o Late Sri T. Ramanujachari
Aged 30 years
Occ: Unemployed,
R/o 3-5-100, Plot No.323/B, Road No.4D
Krishna Nagar Colony, APHB Moulali
Hyderabad – 500 040. Applicant(s)

(By Advocate: Mr. P. Ramachandra Rao, proxy of Dr. P.B.Vijay Kumar)

Vs.

1. Union of India rep by Secretary
Civil Aviation Department
Near Safdarjung Airport, New Delhi.
2. The Director General of Civil Aviation
Government of India
Near Safdarjung Airport, New Delhi.
3. The Deputy Director of Administration,
Office of Director General of Civil Aviation,
Government of India,
Near Safdarjung Airport, New Delhi.
4. The Deputy Director of Airworthiness,
Civil Aviation Department
Begumpet Airport
Hyderabad – 500 016. Respondent(s)

(By Advocate: Mrs. B. Gayatri Varma, Sr. PC for CG)

O R D E R (Oral)

2. The OA is filed for not considering the applicant for compassionate appointment.

3. Brief facts of the case are that the applicant and his family members approached the respondents on 28.5.2014 seeking Compassionate Appointment on the demise of his father while working in the respondents organization as a Group 'C' employee. The request of the applicant was rejected by the Respondents on 07.05.2015. The mother of the applicant made several representations requesting to reconsider the case of the applicant. However, as there was no favourable response, applicant filed OA 219 of 2016, wherein the respondents were directed to dispose of the representation made by the mother of the applicant. Accordingly, the representation was disposed, rejecting the claim of the applicant. Aggrieved, OA has been filed.

4. The contentions of the applicant are that the family of the deceased employee is living in penurious conditions. The eldest son of the deceased employee, who was married even during the life time of the deceased employee, was living separately. The applicant though married is not having any employment. This aspect has not been given due credence.

The rejection order is a non-speaking order and the reasons for rejection have not been indicated therein.

5. Respondents in their reply statement have stated that the case of the applicant for Compassionate Appointment was considered on 11.02.2015 by the competent committee and found it not suitable to be considered. The same was informed on 07.05.2015. Subsequently, based on the order of the Tribunal in OA 219 of 2016, the case of the applicant was reconsidered by another Committee on 06.06.2017 and once again found that the case of the applicant was not suitable for Compassionate Appointment. Applicant was kept informed on 19.07.2017. Rules and regulation laid down by the DoPT have been followed in considering the case of the applicant for Compassionate Appointment.

6. Heard both the counsel and perused the pleadings on record.

7. (I) During the course of hearing, the learned counsel for the applicant, has brought to the notice of the Tribunal that the respondents have not reckoned the liabilities of the applicant in examining his request for Compassionate Appointment. To this extent, the learned counsel for the applicant has submitted a document dated 26.09.2012, issued by the ICICI Bank, wherein the family of the deceased paid an amount of Rs.3,50,386/-

towards the loan obtained from ICICI Bank. By deducting this liability, the net financial benefits available with the applicant would be Rs.7,52,536/- [i.e.,Rs.11,02,922 – Rs.3,50,386]. Therefore, the financial benefits received by the applicant are less than the candidates at Sl. Nos.8, 13,14 and 19, but they were given employment. Hence, the case of the applicant would have been considered by properly working out the net financial benefits. However, learned counsel for the respondents pointed out that the applicant's family have some land with a house constructed by obtaining HBA. Taking this aspect into consideration, the applicant is ineligible. As seen from the records, respondents have not calculated the approximate value of this asset in arriving at the financial benefits of the applicant. The criteria adopted by the respondents is the total extent of financial benefits received by the deceased family in considering the cases of Compassionate Appointment as is evident from the Minutes of the Selection Committee dated 11.02.2015. The general principle in working out the net financial benefits is to arrive at the value of the assets and remove the liabilities. In the present case, the liability, which have been documented by ICICI letter dated 26.09.2012 has not been reckoned. Further an approximate value of the House and the land have also not been worked out to arrive at the net financial worth of the family of the

deceased employee,. Without working of the said details, rejecting the claim of the applicant for Compassionate Appointment, obviously is not fair. Therefore, it would be proper and appropriate to reexamine the case of the applicant by working out the value of the land and the house, keeping in view the Govt. rates, prevailing in the relevant year, when the case of the applicant was taken up. Thereafter, the eligibility of the applicant could be examined by the appropriate Committee and decided.

(II) Further, it is noticed that the impugned order dated 19.07.2017, reproduced below, is neither speaking nor reasoned. The impugned order is extracted below:

“I am to refer to your application for appointment on compassionate ground and to say that your request for appointment on compassionate ground was considered by the Selection Committee in its meeting held on 06.06.2017 and has not approved your request for appointment on compassionate ground. Accordingly the case stands closed.”

An order which is devoid of reasons is invalid as per law. Accordingly, the impugned order dated 19.07.2017 and 3.08.2017 are liable to be set aside.

(III) In view of the aforesaid circumstances, the impugned orders are set aside, since there has been a lacunae in decision making process and contravening law. Hence, respondents are directed to reconsider the case

of the applicant as directed above for Compassionate Appointment for an existing or an ensuing vacancy that may arise.

(IV) With the aforesaid directions, the OA is disposed of with no order as to costs.

(B. V. Sudhakar)
Member (A)

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