



**Central Administrative Tribunal
Principal Bench**

OA No.3796/2015

New Delhi, this the 31st day of January, 2020

Hon'ble Mr. Pradeep Kumar, Member (A)

Harish Yadav
S/o Late Shri Ramraj
R/o 241/37 Yaadgarpur
Near Sanjay Nagar
Meerut (U.P.).

...Applicant

(By Advocate: Shri D.B.Yadav)

Versus

1. Directorate General
of Health Service Central Government
CGHS-II, Nirman Bhawan, New Delhi.

2. Additional Director (CGHS)
Government of India, 9
Bikaner House, Hutmant
Shahjahan Road,
New Delhi – 110 011.Respondents

(By Advocate :Shri Rajiv R. Raj)

Order (ORAL)

The applicant's father was appointed on a Group 'D' post on 22nd June 1981. While in service, he unfortunately died on 20th September, 2004. Thereafter the applicant's mother (widow of the deceased employee) made an application on



27.10.2004 seeking compassionate ground appointment in respect of her son (the applicant herein). Later on the applicant also made an application seeking compassionate ground appointment. This was not agreed to.

Feeling aggrieved, the applicant filed a Writ dated 13.08.2009 before the Hon'ble High Court of Delhi (W.P.(C) No.12719/2006) wherein the following order has been passed :-

"5. This petition is disposed of with directions to Respondent No.2 to decide the Petitioner's claim within a period of three months from the date of receipt of this order and to communicate the decision taken to the Petitioner within a week thereafter."

2.0 The respondents plead that the applicant's case seeking compassionate ground appointment was already considered and rejected twice. Thereafter the applicant preferred this OA in the year 2015. Subsequent to that, the order was passed by the respondents on 31.03.2017 wherein it is advised that a large number of cases were considered and a total of 38 cases were not agreed to. This included the case of the applicant also.



Subsequently one order was passed on 03.05.2017 advising the applicant about the rejection of his request.

Once these two letters came to light, the applicant was allowed to amend the OA bringing these two letters also in the pleadings in the OA and the amended OA is under consideration at present. The respondents plead that with this, the applicant's case was considered thrice and rejected.

3.0 The applicant plead that he is a candidate with qualification as BA and his financial condition is poor and he deserves to be granted the compassionate ground appointment.

4.0 The matter has been heard at length. Shri D.B.Yadav, learned counsel represented the applicant. Shri Rajive R. Raj, learned counsel represented the respondents.

5.0 The compassionate ground appointment is not a vested right. It is only a policy for benevolent consideration by the department in case of an unfortunate death of an employee to help the deceased family to avoid penurious condition and to take care of their immediate family needs. This is not a vested right and compassionate ground appointment is only an exception.



6.0 In the instant case this consideration has since been extended to the family. However, unfortunately, the case could not be agreed to. The unfortunate death occurred in 2004 and family has been able to sustain themselves all those years which indicate that they have an alternate source of earning. Under these circumstances, the Tribunal does not find any justification to interfere in this case at this point of time. OA is dismissed for want of merits. No orders as to costs.

(PRADEEP KUMAR)
Member (A)

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