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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3081/2001

Monday, this the 12th day of November, 2001

Hon'ble Shri S.A.T. Rizvi, Member (Admn)

Navlesh Kumar
S/O Late Shri Bindeshwar Singh
R/O Jhuggi No.US-8/59, Balmiki Camp
Begumpur, Malviya Nagar
New Delhi

..Applicant

(By Advocate: Shri Harvir Singh)

Versus

1. Union of India through
the Secretary
Ministry of Urban Development
Nirman Bhavan,
New Delhi
2. The Director General
Ministry of Urban Development
Nirman Bhavan
New Delhi

..Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicant.

2. The applicant, who seeks appointment on compassionate basis, has not received fair treatment in the matter of consideration of his claim and that is why the present OA. The learned counsel submits that at the stage of consideration of the applicant's claim, the Superintending Engineer, CPWD had, on two different occasions in February, 1999 and thereafter in June, 1999 (Annexure A-4), recommended the case of the applicant on the ground that he as well as his younger brother, the only survivors in the family do not have any means of livelihood. Despite the aforesaid recommendation, the respondent-authority has rejected the applicant's claim on 24.9.1999 (Anneure A-1) and thereafter again on 19.2.2000 (Annexure A-1) by simply stating that the

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applicant's claim has not been found covered by the relevant rules. No rule has been cited and no ground has been given. Thus, the aforesaid orders are non-speaking orders displaying non-application of mind. According to the learned counsel, the respondent-authority is obliged to state reasons in all such cases in compliance of the instructions issued by the Director General of Works, CPWD vide OM dated 31.3.1999 (Annexure A-3). The aforesaid OM clearly lays down that reasons for rejection of such a claim should be indicated in the communication sent to the applicant. The same OM also states that this Tribunal has found fault with orders issued in the past without assigning reasons. In the circumstances, the respondent-authority is bound by its own instructions to disclose the reasons for rejecting the applicant's claim. As stated, no reason has been brought out in the letter of rejection.

3. *so far as*

3. Having failed to receive justice at the hands of the respondent-authority, the applicant has filed a further representation addressed to Director General of Works, CPWD in May, 2001 (Annexure A-5). To this, there has been no response.

4. Having regard to the submissions made by the learned counsel and the facts and circumstances of this case, I find that the *interest* of justice will be duly met in this case by disposing of this OA at this very stage even without issuing notices with a direction to the respondent-authority to re-examine the claim of the applicant *de novo* and to pass a speaking and a reasoned order in

terms of the detailed and comprehensive guide-lines issued by the Govt. of India on the subject of compassionate appointment. This they should do within a period of two months from the date of receipt of a copy of this order.

5. From the letter dated 3.6.1999 placed at page 14 of the paper book which is a letter from the Superintending Engineer, CPWD to the Chief Engineer recommending the applicant's case for compassionate appointment, it appears that an amount of Rs.36888/-, being the amount of DCRG, still remains to be paid to the applicant and his brother after the death of their mother. The learned counsel submits that the aforesaid amount has not been paid so far despite efforts made by them. Having regard to the submissions made by him, I find that it will be in the interest of justice further to direct the respondents to make expeditious arrangements for the payment of the aforesaid amount of DCRG to the applicant and his brother after carrying out the necessary verification in accordance with law and rules. The respondents will comply with these directions within the same period of two months.

6. The present OA is disposed of in the aforesated terms at the admission stage itself. No costs.

7. Registry is directed to send a copy of the OA along with this order to the respondents.


(S.A.T. Rizvi)
Member (A)

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