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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.39/2001

Friday, this the 19th day of January, 2001

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

Smt. Lakshi, Wd/O Late Shri Ram Chand,
R/O C-308, DDA Flats, Kalkaji,
New Delhi-19.

..Applicant.

(By Advocate: Shri M.Mathiaz)

VERSUS

1. The Director,
CPWD, Ministry of Urban Affairs
& Employment, Nirman Bhawan, N.D.
2. The Director General,
CPWD M/O Urban Affairs & Employment,
Nirman Bhawan, New Delhi.
3. The M/O Urban Affairs & Employment,
Nirman Bhawan, New Delhi
through its Secretary.

..Respondents.

O R D E R (ORAL)

The applicant in this OA is the wife of a deceased employee Shri Ram Chand who was, while alive, working in the CPWD. He died in harness. Accordingly, the applicant is seeking appointment of one of her sons, namely, Shri Harish Chander by way of compassionate appointment in accordance with the rules.

- 2.
- From the pleadings of the applicant placed on record and from what the learned counsel for the applicant has to say, I find that this matter was first taken before the High Court where the matter was admitted and notices were issued. A representative of the respondents even appeared before the High Court but the respondents did not file any reply before the High Court. Meanwhile, after consideration, the High Court had passed an order directing the applicant to file the present case
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before this Tribunal. The aforesaid order was passed by the High Court on 24.8.2000 giving three months to the applicant to file the OA before this Tribunal. The applicant has complied with the aforesaid order and has filed this OA on 23.11.2000.

3. From the material placed on record, it appears that the case for compassionate appointment of Shri Harish Chander was considered by the respondents but his application was rejected. The relevant order passed by the respondents is dated 17.7.97 and is placed at Appendix-N. The Hindi version of the aforesaid rejection letter indicates that Shri Harish Chander was found unfit. However, the English version placed on record by the applicants shows that Shri Harish Chander was not found eligible for appointment. I would go by the Hindi version which appears to be the original letter issued by the respondents. The word used therein is युक्त which implies fitness. That is to say the applicant was not found fit by the respondents. No reasons have been assigned for unfitness, however.

4. From yet another letter dated 11.3.97 placed on record which is a letter from the Executive Engineer to the Chief Engineer, I find that Shri Harish Chander's suitability was carefully assessed and, on that basis, his name was recommended for appointment as LDC. Shri Harish Chander was also interviewed by the Superintending Engineer. The same letter also mentions that Shri Harish Chander knew Hindi typing. In normal course, after such a commendation, Shri Harish Chander should have been

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appointed, but that was not done and as stated in the previous paragraph, his candidature for appointment was rejected by simply saying that he was not found fit.

5. In the totality of the circumstances of this case, I have a feeling that the ends of justice will be fully met in this case if the OA is disposed of right away with a direction to the respondents to reconsider the candidature of Shri Harish Chander carefully keeping in mind his knowledge of Hindi typing, his educational qualification and also the fact that his candidature was fully supported by the Executive Engineer as also by the Superintending Engineer, and pass a detailed, speaking and reasoned order. The Respondents are directed accordingly. They are given three months' time from the date of receipt of a copy of this order within which clear order as above should be passed keeping the applicant fully informed. The applicant is given liberty to approach the Tribunal again if the orders passed by the respondents are found to be adverse to him, if so advised.

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

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



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

/sunil/