

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.819/2001

New Delhi, this the 30th day of the March, 2001

HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Mukesh Kumar Arora
S/o Late Shri Sain Dass
(Ex-Wireman)
Resident of 882, T-II,
Sector -II,
Sadiq Nagar,
New Delhi

... Applicant

(By Advocates: Ms. Harvinder Oberoi)

V E R S U S

1. Union of India
Through its Secretary
Ministry of Urban Development
Nirman Bhawan
New Delhi.
2. The Superintending Engineer
Co-ordination Circle (Civil)
Central Public Works Department
B-107, Indraprastha Bhawan,
New Delhi-110002.

... Respondents

ORDER (ORAL)

By Mr. S.A.T. Rizvi, Hon'ble Member (A) :

Heard the learned counsel for the applicant.

2. The applicant is the son of Shri Sain Dass, a Wireman in the employ of Respondent No.2, who unfortunately died on 15.10.1996. The mother of the applicant as well as the applicant have been filing representations to secure a post in the rank of LDC for the applicant by way of compassionate appointment. The matter has been considered by the respondents, and, at one stage in June, 1999, the applicant was placed at serial No.15 in the list of candidates for appointment on compassionate ground.

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This fact was conveyed to the applicant by Executive Engineer's letter dated 13.7.1999. The learned counsel appearing on behalf of the applicant tells me that by February, 2000, the applicant had reached serial No.5 in the aforesaid list. Accordingly, the applicant had been hoping for an early appointment. However, by the impugned letter of 28.2.2001, the respondents have informed the applicant that he now stands at serial No.30 in the aforesaid list, indicating therein that the list has been prepared in order of the dates of death of the employees. The same letter also promises an appointment in turn and also further indicates that the rank of the applicant in the aforesaid list is liable to change again.

3. The learned counsel appearing in support of the OA has questioned the validity of aforesaid letter of 28.2.2001 by submitting that the applicant who was once placed at serial No.15 and had thereafter risen to serial No.5 could not be brought down to serial No.30. She has also questioned the same on the further ground that the respondents cannot go on changing the rank of the applicant at will as they have done.

4. I have gone through the material placed on record and have heard the learned counsel.

5. I find nothing wrong if the respondents have decided though belatedly to draw up the list of all

those seeking appointment on compassionate grounds in order of the dates of death of the employees concerned. If the respondents have followed the aforesaid policy scrupulously, the same cannot be faulted. Similarly, if another candidate comes up later whose claim for appointment earlier than the applicant on compassionate ground is found to be in consonance with the aforesaid policy, there cannot be anything wrong if such a person is placed at a rank higher than the applicant.

6. Admittedly, the list of the candidates seeking compassionate appointment in the respondent No.2's set up, which is a comparatively small organisation, is large. Therefore, it will take time before the applicant can be appointed. In order to improve the position, however, I am inclined to consider giving a direction to the respondent No.1 to explore the possibility of accommodating the applicant in any other organisation under his charge where vacancies may be readily available for appointment in the rank of LDC. Similarly, I can also consider directing the same respondent No.1 to relax the limit of 5% for accommodating the applicant.

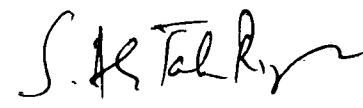
7. The learned counsel for the applicant submits that in view of the urgent need of the family of the applicant for financial help, the applicant would be prepared to accept an appointment alternatively in group 'D'. Keeping this in view, the respondent No.2, who has apparently not considered the matter

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(4)

of appointment to a post in group 'D', can be directed to explore that possibility in his set up and if found in order offer an appointment to the applicant in group 'D' as soon as possible.

8. After hearing the learned counsel further, I am inclined to dispose of this OA at this very stage with directions to the respondents in the aforesaid terms, contained in paras 6 and 7, to be complied with by them as expeditiously as possible and in any event within a period of three months from the date of service of this order. No costs.


(S.A.T. RIZVI)
MEMBER(A)

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