

(b)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.225/1998

New Delhi: Dated this the 28<sup>th</sup> day of August, 1998.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Shri Inderjeet Singh,  
S/o Late Kulwant Singh,  
25, Saraswati Kunj,  
E-6/214, I.P. Extension,  
Patparganj,  
Delhi-092

.... Applicant.

(By Advocate: Shri Manoj Chatterjee)

Versus

1. Union of India through  
Secretary,  
Ministry of Urban Affairs & Employment,  
Nirman Bhawan,  
New Delhi.
2. Chief Engineer NDZ-I,  
OP WD,  
Nirman Bhawan,  
New Delhi.
3. Chief Engineer, NDZ-II,  
OP WD.,  
Nirman Bhawan,  
New Delhi.
4. Executive Engineer-Hq.,  
DCC-I, PWD Circle-I,  
OP WD.,  
Nirman Bhawan,  
New Delhi.
5. Superintending Engineer Hq-I,  
c/o Office of the Chief Engineer(NDZ I),  
OP WD, Nirman Bhawan,  
New Delhi.
6. Superintending Engineer,  
Op-ord. Circle (Civil),  
OP WD.,  
ITD, I.P. Bhawan,  
New Delhi.
7. Directorate of Estates,  
through Estate Officer,  
Nirman Bhawan,  
New Delhi

.... Respondents.

(By Advocate: Shri R. V. Sinha)

for Respondents No.1 to 6.  
Shri S.M. Arif for R.-7).

(1)

JUDGMENT

HON'BLE M.R.S.R. ADIGE VICE CHAIRMAN (A).

Applicant impugns Respondents' order dated 16.10.96 (this should perhaps actually read 16.10.97) at Annexure-A rejecting his case for grant of compassionate appointment.

2. Consequent to the death in harness of applicant's father, a UDC in OPWD, on 10.1.96, applied for compassionate appointment. He was asked to furnish various details/particulars which he did, and there is no doubt that in the exchange of correspondence between different officers in the course of processing applicant's case, the S. E. Coordination Circle (Civil) OPWD, New Delhi was also asked to reserve a post of LDC for appointing applicant on compassionate grounds (Annexure-42) which raised applicant's hopes, when copies of some of that correspondence were also endorsed to his mother. Eventually however by Memo dated 14.3.97 applicant's mother was informed that the case had been rejected.

3. Thereupon applicant filed OA No.1187/97 which was disposed of at admission stage by order dated 27.8.97 after hearing both parties. In its aforesaid order dated 27.8.97 the Bench noted that the Memo dated 14.3.97 was not a reasoned and speaking order and after noting that applicant in the meanwhile had filed a representation dated 24.5.96 directed respondents to consider and dispose of the same by a reasoned and speaking order taking into account the relevant rules and guidelines on the subject within a specified time limit, with liberty given to applicant to challenge respondents

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orders on his representation, if any grievance still survived. Respondents have now disposed of applicant's representation by the impugned orders against which the present OA has been filed.

4. I have heard applicant's counsel Shri Manoj Chatterjee and respondents' counsel S/ Shri R. V. Sinha and Arif.

5. O P & T in its OM dated 11.5.94 has quoted Hon'ble Supreme Court's observations that Courts/Tribunals cannot direct compassionate appointments on the grounds of sympathy, disregarding the instruction/law on the subject. They can merely direct consideration of the claims for appointment. In the present case, it cannot be denied that respondents have considered the claims of the applicant, and the impugned order is a speaking order which gives reasons why respondents have come to the conclusion that this is not a fit case for compassionate appointment. The Tribunal cannot substitute its own evaluation of the financial condition of applicant in place of that made by respondents, when they have concluded that applicant's financial condition is not such as to warrant grant of compassionate appointment, and otherwise, from the terminal benefits, family pension, DA and property owned by applicant's family, it cannot be held that respondents' assessment that applicant's <sup>financial</sup> family cannot be said to be in a precarious condition, is arbitrary, based on no evidence or unreasonable.

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6. It is unfortunate that applicant's  
hopes were raised in this regard, but that  
by itself would not warrant judicial interference  
in this case when the facts and circumstances  
do not justify it. The OA is dismissed. No costs.

*Andrade*  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

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