

Central Administrative Tribunal  
Principal Bench, New Delhi

New Delhi: June 2, 1995

OA No.915/95

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)  
Hon'ble Mr K.Muthukumar, Member (A)

Parveen Narang  
C-68, Dayanand Colony  
Lajpat Nagar-IV  
New Delhi-110 024.

..Applicant.

## Versus

1. Union of India through  
Ministry of Finance  
North Block  
New Delhi
2. The Chairman  
Central Board of Direct Taxes  
North Block  
New Delhi
3. The Dy. Secretary (AD VII)  
Central Board of Direct Taxes  
New Delhi
4. The Deputy Commissioner of Income Tax  
Head Quarters (Personnel)  
New Delhi
5. The Commissioner of Income Tax  
Delhi-V, New Delhi

...Respondents

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

We have heard learned counsel for the applicant and have perused the materials on record.

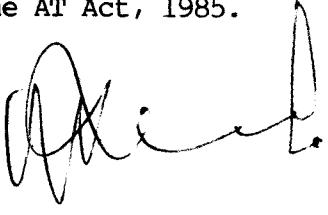
2. The applicant who is the son of late Madan Lal Narang who died while serving as Income Tax Officer, New Delhi on 11.11.93, is aggrieved by the fact that though he is a commerce graduate and has passed intermediate examination in Chartered Accountancy, he has been given offer of appointment only as an Upper Division Clerk while considering his qualifications and the cases of other similarly situated persons, according to him, he should have been

offered appointment as Income Tax Inspector on compassionate grounds. It is pertinent to mention here that when Mr Narang died, he left behind his widow, a son - the applicant, an unmarried sister and that the applicant's mother is employed as a teacher drawing a basic pay of Rs. 2360/- per month. Even in the above backgrounds, the department considered it fit to assist the family of Mr Narang by offering appointment to the applicant as UDC on compassionate grounds. We need not go deep into that aspect of the case. What is challenged in this application is the propriety of the decision of the respondents in offering the applicant appointment as UDC. The qualification prescribed for the post of UDC in the Income Tax Department is graduation, though several people who are holding post-graduate degrees are also being appointed to that post. *Prima facie*, it does not appear that appointment of a person who possesses the qualifications which are possessed by the applicant as UDC on compassionate grounds is arbitrary or unreasonable. While offering appointment to a person on compassionate grounds, the competent authority should take into account various factors like suitability of the incumbent for the post, his qualifications, availability of vacancies and number of persons who have applied on compassionate grounds, etc. Taking into account all these background materials, if the competent authority takes a decision to offer appointment in a particular post, unless it is apparently arbitrary or unjustified, there is no justification for judicial intervention. The applicant tries to make out a case on the ground that 5 other persons who were graduates and post-graduates were given appointment as Inspectors on compassionate grounds during the period 1989-92. Details of the grading made by the respective candidates in their examinations are not available with us and it has not been stated that those persons had lesser merits than the applicant. The applicant may be qualified to be

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appointed as Income Tax Inspector, but that does not show that the action of the respondents in offering him the post of UDC is arbitrary. The applicant has filed this application finding that his representation for re-consideration of the decision did not evince any response and he prays that the respondents be directed to reconsider his case for appointment as Income Tax Inspector. We are not even *prima facie* satisfied that there is any justification for our intervention in the matter. Under the circumstances, the application is rejected under section 19(3) of the AT Act, 1985.

  
(K. Muthukumar)  
Member (A)

  
(A.V. Haridasan)  
Vice Chairman (J)

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