

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 327/2000

New Delhi, this the 24th day of November, 2000

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

Sushil Kumar,
S/O Late Shri Lilley Ram
R/O B-18, Raju Park,
Devli Road, Khanpur,
New Delhi - 110 062Applicant
(By Advocate : Shri Pankaj Vivek)

VERSUS

Government of NCT of Delhi
Through the Chief Engineer,
PWD Zone II, M.S.O. Building,
New Delhi - 110 002Respondent
(By Advocate : Shri Harvir Singh)

O R D E R (ORAL)

Heard the learned counsel. The applicant is the son of a sweeper, who worked in the Office of the Respondent Chief Engineer in Delhi and died in harness in July, 1996. He is seeking appointment on compassionate ground in the Office of the aforesaid respondent in accordance with the guide-lines issued by the Government for such appointments. The applicant has taken time to file this OA, but this was entirely due to the delay caused in the grant of Succession Certificate in his favour by the competent Court. The Succession Certificate was finally issued to him in April, 1999 and the OA has been filed in February, 2000. In the circumstances the limitation is waived.

2. The learned counsel for the applicant has placed on record the letter dated 21.12.1999 issued by the respondent, rejecting his application for compassionate appointment. It is seen that a two fold reason has been given for rejection. One is that the late employee has not left any liability behind him and the other is with

d

12

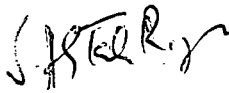
regard to the non-fulfilment of educational qualification. To meet these objections raised by the respondent, the learned counsel has placed before me two advertisements published in "Rozgar Samachar" by Military Engineering Service and Office of the Chief Accountant General (Acctts and Hakdar, Allahabad). A perusal of these would show that in one case Vth Class pass is the educational qualification prescribed for Safai Karamchari and the like, and in the other case the level of educational qualification is simply IVth class pass for similar posts. I am not sure about the educational qualification prescribed in the recruitment rules framed by the respondent for recruitment to the post of Safai Karamchari and equivalent posts. The learned counsel for the respondent has also not placed the recruitment rules before me. In the absence of these rules, the learned counsel for the applicant has placed reliance on the recommendations made by the Executive Engineer concerned for the consideration of the applicant's case. I find that in these recommendations, the Executive Engineer concerned has specifically pointed out that the applicant, who is a Vth Class pass, fulfils the educational qualification laid down in the Recruitment Rules, in question. The same officer has also recommended the applicant on grounds of financial hardship, which is generally one of the main considerations at the time of compassionate appointment. In the circumstances, I find that there is adequate reason for a proper consideration of this case at the level of the respondents. It appears, however, that the matter has not been properly and sympathetically considered in the light of the recommendations made by the lower officers.

2

13

3. In view of what I have said above, I would like to dispose of this OA by directing the respondents to review the decision earlier taken vide letter dated 21.12.1999 in the light of the facts and circumstances mentioned in the preceding paragraphs and pass a speaking and reasoned order within two months of receipt of a copy of this order. Needless to add that the respondent will, while reconsidering the case, take into consideration the relevant rules and regulations in keeping with their true spirit.

4. Both the MAs are also disposed of in terms of the prayers made therein.


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

(pkr)