



CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

O.A.NO.060/01037/2020

Decided on: 11.01.2021

HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

Sumit Kumar

son of Late Sh. Pawan Kumar,

age 29 years,

resident of Village Mankian, Post office Ramgarh,

District Panchkula.

(BY ADVOCATE: MR. D.R. SHARMA)

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Applicants

Versus

1. Union Territory Chandigarh through its Secretary, Technical Education, (U.T. Chandigarh)-160009.
2. The Director, Technical Education, U.T. Sector 12, Chandigarh-160012.
3. Regional Employment Officer, Regional Employment Exchange, U.T. Sector 17, Chandigarh-160017.

(BY ADVOCATE: MR. ARVIND MOUDGIL)

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Respondents



O R D E R (ORAL)
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

1. Heard the learned counsel for the applicant.
2. The learned counsel for the applicant states that Pawan Kumar, father of the applicant, expired on 23.12.2003 whereafter his mother Kamla Devi applied for compassionate appointment vide application dated 30.1.2004. She was recommended for Group 'D' employment. However, due to instructions dated 5.5.2003 by DoPT, her case was kept alive only for 3 years and thereafter it was closed.
3. Later, vide instructions dated 26.7.2012 (Annexure A-6), the limitation of 3 years was withdrawn and the name of mother of the applicant was again put in the common seniority list.
4. However, the mother is now over 55 years old. She has, therefore, requested name of the applicant to be included in the waiting list rather than herself.
5. I observe that in this case there has been a change of circumstances. Also, case of Kamla Devi for compassionate appointment could not be considered from 2007 (due to 3 years limitation) to 2012 due to change in instructions. Further, it is basically for the family to decide as to who should be claiming appointment on compassionate grounds. I also observe that to this purpose, the mother of the applicant had already submitted a representation



way back in February 2019 (Annexure A-3). However, the name of the widow is still continuing in the common seniority list.

6. Issue notice to the respondents.
7. Mr. Arvind Moudgil, learned counsel for the respondents accepts notice.
8. At this stage, the learned counsel for the applicant states that he will be satisfied if the respondents are directed to consider the name of the applicant in place of his mother for compassionate appointment as mother has already crossed 55 years of age.
9. In view of the peculiar facts of this case and prayer made by learned counsel for the applicant as also observations made in paragraph 5, I direct the respondents to consider the name of the applicant for compassionate appointment for including in the waiting list in place of his mother Kamla Devi after reassessing his position vis-a-vis other candidates, within a period of three months from the date of receipt of copy of this order. Ordered accordingly.
10. No costs.

(AJANTA DAYALAN)
MEMBER (A)

Place: Chandigarh
Dated: 11.01.2021

HC*