

(Revised order vide docket order dt. 10.07.2020)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

**Original Application No. 021/00435/2019
Hyderabad, this the 02nd day of March, 2020**



HON'BLE MR.B.V.SUDHAKAR, ADMINISTRATIVE MEMBER

B.Praveen Kumar, S/o Late Ramaswamy,
(Ex-Farm Hand), Group-C, Aged about 43 years,
House No.2-31/7/2/A, Taranagar,
Serilingampally, R.R..District,
Hyderabad, Telangana – 500 019.

... Applicant

(By Advocate : Mrs.Rachana Kumari)

Vs.

1. Union of India, Represented by
The Deputy Director General of Military Farms,
Quartermaster General's Branch, Integrated HQ
Of Ministry of Defence (Army),
West Block, R.K.Puram, New Delhi.
2. The Director of Military Farms,
Head Quarters, Southern Command,
Kirkee, Pune.
3. The Officer-in-Charge,
Military Farms, Bowenpally,
Secunderabad.

... Respondents

(By Advocate : Mrs.K.Rajitha, Sr.CGSC)

ORAL ORDER**{As per Hon'ble Mr.B.V.Sudhakar, Administrative Member}**



2. The OA is filed in regard to the claim of the applicant for compassionate appointment.

3 (i) Brief facts of the case are that the applicant's father died in harness on 17.03.2004, while serving in the respondents organization leaving behind his wife, two sons and two daughters. Applicant's mother submitted a representation for grant of compassionate appointment to her first son on 19.04.2004 and followed it up with a number of representations later. 3rd respondent on 21.12.2015 issued proceedings wherein the name of the applicant figures at Sl.No.1. Thereupon the applicant was directed to submit an affidavit, which was complied with by the applicant. On 28.07.2017 first respondent issued a letter for closure of the department and after being aware of the same, applicant made a representation on 11.06.2018. Respondents have issued impugned order dated 06.08.2018 bringing down the applicant from Sl.No.29 to 51 in the waiting list. Aggrieved by the same, the OA has been filed seeking to set aside the impugned order dated 06.08.2018 and consequently to provide compassionate appointment to him.

3 (ii) The contentions of the applicant are that the conditions required for offering appointment on compassionate grounds to the applicant have been complied with. The request has been under consideration by the respondents since 2004. The applicant's name figures at Sl.No.1 in the waiting list in 2015. Inaction on part of the respondents in considering the case of the applicant at the relevant point of time has caused irreparable loss to him. The family is in financial distress and living in indigent circumstances and therefore, it is necessary to provide compassionate appointment to the applicant.



4. Respondents in their reply statement have stated that the application for compassionate appointment was processed by the Committee constituted and the applicant was waiting listed at Sl.No.21. Government of India has taken a policy decision to close Military Farms and the closing of Farms is in the advanced stage. Besides there are no vacancies available to consider the case of the applicant for compassionate appointment. Respondents further state that case of the applicant will be considered in the next Screening Committee as per his turn.

5. Heard Mrs.Rachana Kumari, learned counsel for the applicant and Mrs.K.Rajitha, learned Senior Central Government standing counsel for the respondents and perused the pleadings on record. Learned

counsel for the applicant has prayed that the case may be taken up to the extent of providing compassionate appointment to the applicant.

6 (i) It is not disputed that the case of the applicant was taken up



by the Committee and his name was shown at Sl.No.21 in the waiting list.

However, consequent to the policy decision of the Government, the

Military Farms are being closed. Hence the respondents have intimated

that there is no scope to consider the case of the applicant. However,

learned counsel for the applicant pleaded that the case for compassionate

appointment was processed way back in 2004 and therefore, because of

the delay applicant should not be made to suffer. Further, she submitted

that when a department is being closed, a policy is usually formulated in

regard to accommodating the regular employees in other wings of the

same organizations or in the other Central Government departments. She

pleaded that in respect of applicant, the respondents can examine the

scope to consider him in other wings of the respondents organization and

for doing so, the applicant be permitted to make a comprehensive

representation stating the grounds on which he could be accommodated

and based on the same, the respondents can decide the issue

appropriately, by keeping in view any new rules that are contemplated to

be framed for cases of the nature in question and the law governing the

subject.

6(ii) Learned counsel for the respondents in response submitted that once the organizations itself is being closed the scope for considering compassionate appointment of the applicant does not arise. However, in regard to the policy, the same has not been raised in the OA and it is now being averred by the learned counsel for the applicant. Hence, at this juncture of time, no averment can be made in regard to the request of the learned counsel for the applicant.



6 (iii) However, after hearing learned counsel on both sides, it is seen that the case of the applicant for compassionate appointment was taken up nearly 16 years back and at this juncture of time denying the request would definitely be painful to the applicant. On the other hand, contention of the learned counsel for the respondents is also valid as the question of providing compassionate appointment at this juncture is not permissible when the organization itself is being wound up and in the absence of vacancies as per law, compassionate appointment cannot be taken up. To this extent one cannot question the stand of the respondents.

6 (iv) Nevertheless, the request made by the learned counsel for the applicant that, if a policy is under consideration by the respondents akin to that of regular surplus employees, for considering cases similar to that of the applicant which have been waitlisted for offering

compassionate appointment, there could be no harm in examining the issue on such an eventuality.

6 (v) Hence, in view of the aforesaid, the applicant is



directed to submit a comprehensive representation covering the grounds on which the claim is made referring to the rules and law on the subject within a week and thereupon after receipt of such a representation, respondents are directed to dispose of the same within eight weeks by issuing a speaking and reasoned order, keeping in view, any feasibility to consider the case of the applicant in terms of the observation at para 6(iv).

7. With the above directions, OA is disposed of. There shall be no order as to costs.

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

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