

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ

Prayagraj, this Thursday, the **17th** day of **December**, 2020

Original Application No. 331/00768/2020

Hon'ble Mr. Navin Tandon, Member (A)

Ganesh Chandra (Male) aged about 29 years S/o Late Sri Nand Kishore, R/o Village and Post Sauni, District-Almora.

...Applicant

By Advocate : Shri Sunil Upadhyay (Online)

V E R S U S

1. Union of India through Director General, Department of Post, India Dak Bhawan, Sansad Bhawan, New Delhi.
2. Director, Postal Services, Chief Post Master General Office, Dehradun, Uttarakhand.
3. Additional Director (Appointment), Office Chief Post Master General, Uttarakhand Circle, Dehradun-248001.
4. Superintendent of Post Office, Almora.
5. Inspector, Post Office, Ranikhet West.

...Respondents

By Adv: Shri T.C. Agrawal (Online)

O R D E R

By Hon'ble Mr. Navin Tandon, Member (Administrative)

Through video conferencing.

1. This original application has been filed by the applicant seeking compassionate appointment with the respondent department as his father left for heavenly abroad on 31.08.2012 while in service.

2. In response to the delay condonation application filed by the applicant, the respondents have submitted as under: -

"6.... fact is that respondents have considered the candidature of applicant for compassionate appointment in C.R.C. Circle Relaxing Committee meeting against the vacancy year 2016-17 and C.R.C. Meeting for the vacancy year 2017-18, but due to ceiling of 5% vacancies & comparatively obtaining less merit the candidature of applicant could not be considered and his candidature has been kept for reconsideration in the next meeting of C.R.C. and same was communicated to him"

3. The above submission specifically brings out that the case of the applicant has not been closed. His case was considered against the vacancy year 2016-17 and 2017-18. His case was not recommended as he had less merit points.

4. From perusal of the information furnished to the applicant under Right to Information Act (RTI) by letter dated 25.03.2019 (Annexure A-10) it appears that the department allots merit points on various grounds to the candidates seeking compassionate appointment and the applicant has obtained 36 points. As per the submission of the respondents his merit position was not sufficient to offer him a job.

5. Respondents have also stated that his candidature has been kept for reconsideration in the next meeting of Circle Relaxation Committee.

6. In view of the above, there is no point which needs to be adjudicated at this stage. The candidature of the applicant is

still under consideration. Therefore, this OA can be disposed of at this stage itself.

7. This Tribunal is flooded with Original Applications from poor unemployed wards looking for appointment on compassionate ground. They are completely in dark about whether their applications are being processed or not, what is the methodology being adopted, whether their name is under consideration or not, etc. Nobody is prepared to share any information with them. Even under RTI, the departments try to hide as much information as possible. In such an environment, there are accusations of nepotism, favouritism, corruption, which should be nipped in the bud in an honest organisation.

8. Jabalpur Bench (Gwalior Circuit Sitting) of this Tribunal in ***Deepanshu Raje vs Comptroller Auditor General of India*** (Order dated 26.09.2019 in OA No.202/00756/2017) had observed as under:

"28. Before parting, we need to mention that Government has conceived of the Scheme of compassionate appointment in the year 1958 to provide relief to the family in financial distress. The Tribunal receives a large number of applications regarding unfair treatment meted out to the applicants. The common thread running through almost all the grievances is lack of transparency and non-sharing of information. The following steps will go a long way to alleviate the grievances of the needy:

*(i) The application for compassionate appointment should be acknowledged with a registration number within a specified time, of say 15 or 30 days. We had observed that in the case of ***Rambha Vastrakar vs. Union of India & through Secretary, Ministry of Information & Broadcasting & Ors.*** (Original Application No.203/00706/2016, decided on 25.04.2018), the first response to the application was*

after five years.

(ii) To put in place a merit point based system to evaluate indigency. While some Ministries/Departments have implemented it, there are some who don't have such a system. This should be implemented across all organisations.

(iii) Every candidate should be provided with a copy of the said merit point based system to evaluate indigency. The merit points obtained by him/her should be provided to him/her alongwith breakup of merit points obtained against each parameter.

(iv) The merit points earned by each candidate should be in public domain through internet/RTI.

(v) Merit points of the candidate should be the only basis for recommendation of the Committee.

(vi) Prior to every meeting of the Committee, the number of vacancies of each grade proposed to be filled should be communicated to the candidates.

(vii) The qualifications and procedure for filling up higher grade vacancies through compassionate appointment needs to be in public domain. This is an area which requires attention and improvement.

(viii) The result of each round of selection should be communicated to the candidates.

(ix) The minutes of the Selection Committee should be in public domain through website/RTI.

28.1 In cases where the number of appointments to be made on compassionate ground are small, [in the present case only two (2010), one (2014), one (2016) and one (up to 28.04.2017) were appointed on compassionate grounds in the respondent department], the need to have a meeting every month needs to be reviewed.

29. Secretary, Department of Personnel and Training (DoPT) is directed to issue necessary guidelines on the points raised in para 28 above which will bring in more transparency and probity in the system."

9. It is not known whether DoPT has issued any communication as per above directions. However, perusal of the pleadings in the present OA makes it apparent that the respondent department has not received any such directions.

10. Secretary DoPT is directed to issue necessary instructions to all the Ministries and Departments on the above lines. This

will generate more confidence in the public service governance system, and consequently will greatly reduce litigation on this account, which a poor family with scarce economic resource can ill afford.

11. The Registry is directed to send a copy of this order to Secretary DoPT bringing attention to para 7 to 10 of this order.

12. This original application is disposed of with direction to the respondents that the scheme of awarding merit points to evaluate indigency, the merit points obtained by the applicant, the minutes of the Circle Relaxation Committee meeting for the vacancy year 2016-17, 2017-18 & subsequent year and the minimum merit points on which compassionate appointment has been made in each of these years be communicated to the applicant. This action should be completed within 60 days of the receipt of a certified copy of this order.

13. With these directions, this original application is disposed of. No order as to costs.

**(Navin Tandon)
Member (Administrative)**

/neelam/