

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 468/2004

(M)

New Delhi, this the 29th day of March, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Dharam Singh, S/o Late Sh. Dhan Pal Singh
R/o Vill & Post Ghitora, Distt. Bagpat, UP.

...Applicant

(By Advocate Sh. U.Srivastava)

V E R S U S

1. Govt. of NCT of Delhi through
The Chief Secretary
Govt. of NCT of Delhi.
Delhi Secretariat, I.P.Estate
New Delhi.

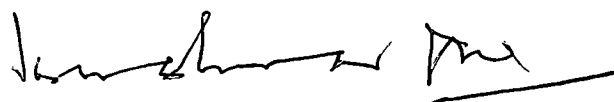
2. The Dy. Secretary (Services)
GNCT Delhi, Service Department (II)
Delhi Secretariat 5th level, A-Wing
I.P.Estate, New Delhi.

...Respondents

O R D E R (ORAL)

Shri Sarweshwar Jha,

The applicant has impugned the orders of the respondents dated 30-1-2004, a copy of which is placed at page 17 of the OA. The respondents have now rejected the request of the applicant for his appointment on compassionate grounds on the death of his father in harness on the ground that the financial condition of the family is not indigent enough to justify his claim for compassionate appointment. Earlier, they have rejected his case on the ground that vacancies within the ceiling of 5 % of direct recruitment quota were not available. Thereafter, the applicant had approached this Tribunal vide OA 504/2003 which was decided on 11-9-2003. Vide the said decisions, the Tribunal quashed the orders of the respondents and directed them to consider the case of the applicant on its own merit uninfluenced by the policy of 9-10-1998 whereby the quota for compassionate appointment had been restricted to 5 % of vacancies under the direct recruitment quota.



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2. From the letter of the respondents as issued on 7-10-2002 (Annexure A-3), it is observed that earlier his case had been sympathetically considered and they had appreciated the financial conditions of the applicant's family. While so doing they could not, however, recommend his case for appointment on compassionate grounds only due to shortage of vacancies. The ld. counsel for the applicant has, however, now submitted that to reject the case of the applicant on the ground that the Screening Committee after having taken into account the various aspects of the matter including the family pension plus DA and also terminal benefits, which the family was in receipt of and also further that the family was in possession of a house, had taken a view that the family of the deceased Govt. servant did not seem to be living in indigent circumstances is not correct at this stage. The ld. counsel is strongly of the view that this position which had already been considered by the Screening Committee earlier and on which basis they had taken a sympathetic view of the matter, and that the case had not been agreed to earlier only because there was shortage of posts/vacancies, as such appointments had to be given only within 5 % ceiling of direct recruitment quota, they are not supposed to take this position again. The ld. counsel has further submitted that this aspect of the matter had earlier been submitted by the applicant in the previous OA and has accordingly been already adjudicated upon by the Tribunal while deciding the said OA.

3. I have gone through the various papers submitted by the applicant in this regard, particularly the reply of the respondents to the previous OA, i.e., OA 504/2003 as also the reply of the respondents dated 7-10-2002 and their



further order dated 30-1-2004. Having regard to all of them and also the directions of the Tribunal given in the said OA, I am of the considered opinion that the respondents have taken two different positions and have rejected the request of the applicant for appointment on compassionate grounds for two inconsistent reasons which do not run in consonance with their positions taken earlier by them. Under these circumstances, I feel that the respondents will need to look into the matter again and see that the case is given a fresh consideration on the basis of the facts which have already been considered by the Screening Committee as well as by the competent authority and a rational and reasoned decision taken.

4. With these observations, I allow this OA while hearing on the point of admission with directions to the respondents to reconsider the matter and dispose it of by issuing a reasoned order within a period of three months from the date of receipt of a copy of this order.



(Sarweshwar Jha)
Member (A)

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