

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 19th day of April, 2005.

Original Application no. 1178 of 2004.

Hon'ble Mr. K.B.S. Rajan, Member (J)

Raj Narain
S/o late Chiraunji Lal
Ex Mazdoor T. No.666/CPL,
R/o 70/76 Swaraj Nagar, Post Teliarganj, Allahabad.
....Applicant

By Adv : Sri Ram Chandra

V E R S U S

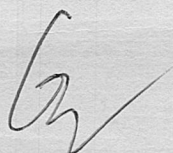
1. The Commandant, Ordnance Depot, Fort, anager, Allahabad.
2. The Chief Engineer, H.Q. Central Command, Cantt. Area, Lucknow-226002.
3. The Director General of Ordnance Services, Government of India, Army Headquarters D.H.Q. P.O. New Delhi-110011.
4. Union of India
Through Secretary Defence,
Ministry of Defence
Sena Bhawan, New Delhi.

...Respondents

By Adv : Sri Saumitra Singh

O R D E R

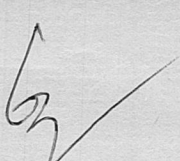
The applicant, through this O.A. prayed for quashing of order dated 9.6.2004 (Annexure 1) and for a directing to the respondents to secure an appointment in Group D posts to the applicant on compassionate grounds.



2. Certain dates and events necessary for appreciations of the entire case are given as under:-

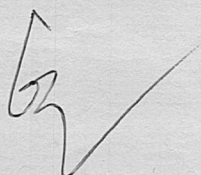
- (a) On 4.9.1998 the father of the applicant died in harness and he was survived by his wife and six children. The mother of the applicant requested the respondent NO.1 for compassionate appointment by letter dated 29.9.1998. This was followed by a reminder in June 1999 and in response thereof, the respondents sent a set of proforma to the applicant's mother for completion and return. This drill was completed by end July 1999 and it was by order dated 1st August 2001 that the application for the applicant was rejected.
- (b) The applicant approached this Tribunal in O.A. No. 1250/01 against the order of rejection of the applicant's mother's application for compassionate appointment.
- (c) This Tribunal while quashing the order dated 1.8.2001 passed by respondent NO.1 directed the respondents to reconsider the case and pass a speaking order vide order dated 3.3.2004.
- (d) By order dated 09.06.2004 (impugned in the O.A.) the respondent No.1 had rejected the representation and as such no compassionate appointment was given.

3. The respondents have filed their counter and according to them, the case of the applicant was considered by a Special Committee constituted for considering application for compassionate appointments and on the basis of the marking system it was found that more deserving cases than that of the applicant being their, it was in the most deserving case that the individual was offered appointment up to the number of vacancies earmarked for being filled up by compassionate appointments.



4. The parties were heard and the documents perused. As it was felt that for proper appreciations the relevant records should also be perused, the respondents were directed to produce relevant records. It has been observed in the said records that the applicant's case was considered first in December 1999, thereafter in September 2000 and lastly in March 2001. In all these occasions, the applicant's position was comparatively at the bottom and as such, recommendation was made only in respect of the most deserving case. For example in 1999 in respect of Smt. Uma Devi wife of late Ganesh, the marks awarded was 65 out of 100 while the applicant's secured 31 out of 100. In the second time appointment was given to one Sri Rajesh Kumar son of late Raten Singh whose position was number one, his case having secured 72/100. And in the last occasion, likewise, appointment was given to one Smt. Kamla Devi wife of late Chhote Lal who had secured 78 out of 100 and similarly to more others whose position was No.2 and 3.

5. I find from the records that in a most scientific and credible manner, a scheme has been framed to make a comparable study of all the cases for compassionate appointments. There is no doubt that when a scientific and rational marking system is devised to select amongst many applicants for compassionate appointment for a few posts available for such appointment, and when the same is meticulously and religiously observed and appointments made, there is very little for the judiciary to intervene as in such a case neither any accrued rights of any one is hampered nor is the constitutional guarantee of equality made casualty.



6. A perusal of the records made available to the court containing the balanced, dispassionate and fool-proof system adopted by the respondent impels me to place on record my appreciation for the meticulous method adopted by the respondents.

7. The marking system is fully rational. Certain marks for the total number of members of the family, some for dependent members, some for the balance years of service left by the deceased employee and some for the extent of income of the family including the family pension. These are consolidated and the ranks awarded in the descending order.

8. The applicant was considered thrice and on comparison with others, he stood almost at the bottom of the list. Hence, he was not offered the appointment and rightly so, as many other deserving cases are before him in the queue.

9. As held by the Hon'ble Supreme Court, compassionate appointment cannot be a substitute for normal recruitment nor such an appointment could be impelled by benediction. The appointment should conform to the extant instructions on the subject and the act on the part of the respondent in rejecting the case after due consideration on the basis of marks system cannot in any way be faulted with.

10. The application is, therefore, rejected.

No order as to cost.


Member-J