

**Central Administrative Tribunal
Jammu Bench, Jammu**



T.A. No.5014/2021
(SWP No.997/2009)

Friday, this the 28th day of May, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Tarun Shridhar, Member (A)**

Majid Ali Butt,
S/o Late Shoket Ali Butt,
R/o Vill. Chakka The. Bhaderwah,
District Doda,
Age 21 years.

..Applicant

(*Nemo* for applicant)

VERSUS

1. State of Jammu and Kashmir through Secretary to Government Education Department, Civil Secretariat, Srinagar.
2. Principal Secretary to Govt. General Administration Department, Civil Secretariat Srinagar.
3. Director School Education, Jammu.
4. Sr. S.P., Doda.
5. Principal Govt. Higher Secondary School, Bhaderwah.

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was provided employment Class IV, on compassionate grounds vide order dated 26.04.2007. He filed SWP No.997/2009 before the Hon'ble High Court of Jammu & Kashmir, with a prayer to direct the respondents to appoint him in higher post on the basis of his qualifications.

2. The respondents filed a counter affidavit, opposing the SWP. It is stated that the very purpose of providing the appointment on compassionate grounds is to enable the family to tide over from financial difficulties on account of sudden death of employee and the applicant cannot expect the appointment in higher post.
3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.5014/2021.
4. Today, there is no representation on behalf of the applicant. We perused the record and heard Mr. Sudesh Magotra, learned counsel for respondents.



5. There do not exist any Recruitment Rules providing for appointment on compassionate grounds. It is an extraordinary measure invented by the Hon'ble Supreme Court to enable the family members of an employee, who dies in harness without substantial death-cum-retirement benefits. Over the period, it has assumed many ramifications. For all practical purposes, such benefit is being treated as an estate, by itself.
6. In all fairness to the applicant, the respondents provided him the appointment to Class IV. When the very purpose of extending the benefit is to enable the family to tide over the financial difficulties, the applicant cannot insist on being appointed in the higher post. It is only when the selection takes place on par with other candidates, that the qualifications or eligibility become relevant.
7. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 28, 2021
/sunil/rk/ankit/sd