



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 2536/2021
(SWP No. 968/2017)

This the 9th day of September, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Anand Mathur, Member (A)**

Ridwan Rashid Ganale, Aged;27 Years,
Son of Late Abdul Rashid Ganale Resident of Shaangus
Tehsil and District Anantnag, Kashmir.

...Applicant

(Mr. G Q Bhat, Advocate)

Versus

1. Union of India through Ministry of Textiles Govt. of India
New Delhi.
2. Development Commissioner Handicrafts West Block No.
7, R.K. Puram, New Delhi-110066.
3. Deputy Director Handicrafts (FAC) Srinagar
4. Assistant Director Handicrafts Service Centre Anantnag.

...Respondents

(Mr. Raghu Mehta, Senior CGSC)

ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman:

Brief facts of the case are that Mr. Abdul Rashid Ganai
was working in the respondent-Department as Assistant



Instructor. He died in harness on 28.11.2002. Thereafter, the applicant made a request for compassionate appointment. The respondent No.4, vide his letter dated 13.04.2009, forwarded his case to the Regional Director, c/o Development Commissioner Handicrafts West Block, New Delhi, followed by another letter dated 11.05.2009. The respondent No.3, vide letter dated 27.01.2017, directed the respondent No.4 to consider the case of the applicant for compassionate appointment. He applicant also preferred a detailed representation dated 18.10.2016 in this behalf. It is submitted that since then, the applicant has been approaching the respondents, but no response is forthcoming. Hence, he filed SWP No.968/2017 before the Hon'ble High Court of Jammu & Kashmir, seeking the following reliefs:

- “i) Mandamus commanding, the respondents to appoint the petitioner in the respondents department on compassionate grounds keeping in view of the educational qualification of the petitioner.
- ii) Mandamus commanding the respondents to give effect to the petitioner's compassionate appointment from the date the petitioner has applied for the same.
- iii) Mandamus commanding, the respondents to give same and similar treatment to the Petitioner which has been given to other similar situated and circumstanced persons.



iv) Any other relief order or direction as the Hon'ble court deems fit and proper in the circumstances of the case be passed in favour of the petitioner and against the respondents."

2. Learned counsel for applicant referred to the memorandum dated 27.01.2017 written by the Additional Development Commissioner (H), Ministry of Textiles, Government of India, stating that in terms of the DoP&T guidelines, his case could not be considered. It is further stated that if the application is received afresh, the case may be considered as per prevailing Rules and instructions in the matter.

2. On the other hand, the respondents pleaded that since the applicant applied for compassionate appointment belatedly, his case cannot be considered.

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.2536/2021.

4. Today, we heard Mr. G Q Bhat, learned counsel applicant and Mr. Raghu Mehta, learned Senior Central Government Standing Counsel for respondents.



5. The memorandum written by the Additional Development Commissioner (H) on 27.01.2017 reads as under:-

“With reference to his online grievance application PMO registration No. PMOPG/E/ 2016 /061830 dated : 29.12.2016 received through Assistant Director (C&P) vide their letter dated: 02.01.2017 regarding compassionate appointment in this office, Shri Ridwan Rashid Ganai is hereby informed that in terms of DOP&T guidelines at that point of time his case could not be considered.

However, if the application is received afresh, the case may be considered as per prevailing rules and instructions in the matter as of now please.

This issues with the approval of competent authority.”

6. In view of the stand taken by the respondents, as referred to above, this T.A. is disposed of with a direction to the applicant to make a comprehensive representation to the respondents for compassionate appointment within a period of one month from the date of receipt of a copy of this order. On its receipt, the respondents shall consider the representation and pass a speaking order, duly taking into account their stand in letter dated 27.01.2017, within a



period of four months thereafter, under intimation to the applicant.

There shall be no order as to costs.

(Anand Mathur)
Member (A)

(Manjula Das)
Chairman

September 9, 2021
/sunil/jyoti/mk