

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
(THROUGH VIDEO CONFERENCING)**

Original Application No. 332/000242/2019

Date of Order: This, the 29th day of July, 2021

HON'BLE MR. A MUKHOPADHAYA, MEMBER (A)

Mohit Singh Yadav, aged about 28 years, Son of Late Mahesh Singh, Resident of- 509/45, Purana Hyderabad, Lucknow. 226007.

... Applicant

By Advocate: Shri Raj Singh.

- Versus -



1. Union of India through – Secretary, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi.
2. The Director, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi.
3. The Additional Director, Central Government of Health Scheme, B-114,115, Vibhuti Khand, Gomti Nagar, Lucknow.

.....Respondents

By Advocate: Ms. Prayagmati Gupta.

O R D E R (ORAL)

Final arguments were heard today in the matter.

2. Shri Raj Singh, learned counsel for the applicant, submitted that the government servant

involved in this case, (father of the applicant), died in harness, while in service of the respondents, on 04.05.2013. Thereafter, the applicant, after obtaining the consent of all concerned family members, duly applied for grant of compassionate appointment. This application was considered by the Committee on Compassionate Appointments in the respondent department but the same was rejected after consideration vide order dated 27.02.2018, communicated through letter dated 15.03.2018; (Annexure- A1 refers).



3. Applicant's counsel argued that the impugned order cannot be said to be objective in that it only mentions that out of 61 candidates, of which the applicant was one, 13 were selected for appointment on compassionate grounds looking to the vacancies available as well as their relative merit. However, the points assigned to the applicant under the scheme for compassionate appointment along with the cut-off level have not been specifically indicated in the impugned order/letter. Shri Singh further submitted that the applicant is presently living with his aged mother in a 400 sq. mtr. family joint property and that his mother is suffering from cancer for which he submitted the relevant corroborating documents; (Annexure A-5 refers). He further stated that in absence of any

meaningful employment, the applicant had been forced to depend almost entirely upon relatives and friends for making ends meet and the medical treatment of his aged mother. Applicant's counsel argued that in the circumstances, he would be satisfied if the matter is remanded to the respondents' Committee on Compassionate Appointments for fresh consideration, looking to the indigent circumstances of the applicant.

4. At this, Ms. Prayagmati Gupta, learned counsel for the respondents, submitted that it has been established in a catena of the cases in the level of Hon'ble Apex Court itself that compassionate appointment is not a matter of right, nor is it a regular source of recruitment. As such therefore, this is governed by the rules and scheme framed for this purpose by the Government. She pointed out that as the impugned order makes clear, the constraint of available vacancies resulted in only 13 of the most deserving candidates being offered compassionate appointment out of 61 candidates, (where the applicant was also one), in the meeting of the Committee on Compassionate Appointment in question; (Annexure A-1 refers). Thus, the respondents have already considered the applicant's case fairly and the fact that points received by the applicant as well as the cut-off level under the relevant scheme have not been specifically indicated in the



impugned order does not take away the fact of the fair consideration of his claim.

5. Perused the record and considered the rival submissions of the opposing counsel.

6. Looking to the fact that it has not been disputed that the rejection of the applicant's case has not been shown to be based on the point system as incorporated in the Government's scheme for compassionate appointment as well as the reportedly indigent circumstances of the applicant, I deem it appropriate, in the full facts and circumstances of the case, to remand/refer the matter back to the respondents for reconsideration in the next departmental meeting of the Committee on Compassionate Appointment as per rules and guidelines presently prevalent.



7. Original Application is disposed of accordingly. Linked MA also stands disposed of accordingly.

8. There will be no order on costs.

(A.MUKHOPADHAYA)
MEMBER (A)