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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No.330 OF 2012

Cuttack the 7th day of August, 2015

CORAM

HON'BLE MR. R.C. MISRA, MEMBER (A)

Sri Purusottam Naik,
aged about 37 years,
S/o.Late Ghanashyam Naik,
At/P.O.Agrahat, Choudwar,
Dist.Cuttack.

...Applicant

(Advocate: M/s. J. Sengupta, D.K. Panda, G. Sinha, A. Mishra)

VERSUS

Union of India Represented through

1. Director-cum-Special Secretary,
Aviation Research Centre,
Head Quarter, Director General of Security,
Block-V (East),
R.K. Puram, New Delhi-110066.
2. Joint Director(Administration),
Aviation Research Centre,
At/P.O. Charbatia, Dist.Cuttack.

... Respondents

(Advocate: Mr. D.K. Mallick)

ORDER(Oral)

R.C. MISRA, MEMBER (A)

The applicant of this O.A. is the son of late Ghanashyam Naik who was an employee of the Aviation Research Centre, Charbatia in the district of Cuttack. The applicant's father died on 02.03.2007 while working as Safeiwala under the Joint Director(Administration), in the ARC. The deceased Government employee had a family of four sons and four daughters and widow who were dependent on the income of the deceased employee. The applicant is a matriculate and with the consent of all the legal heirs and the mother had applied to the Respondents for providing him on appointment under compassionate appointment scheme. The application was submitted to Respondent No.2 in the prescribed form on 23.04.2007. Thereafter, he submitted all the documents



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meeting the requirements of the Respondents and subsequently he submitted number of representations for consideration of his case. However, the authorities did not consider the matter. In the above background, the applicant filed O.A. No.114/2010 before this Tribunal and the Tribunal vide an order dated 16.03.2010 disposed of the said O.A. at the stage of admission by directing the Respondents to consider and dispose of the pending representation of the applicant with a reasoned order within a period of 90 days from the date of receipt of this order. In compliance of the orders of the Tribunal the Respondent, issued an order dated 06.05.2010 which has been sent to the widow of the deceased Government servant, copy of which is placed at Annexure-A/12. The applicant has approached this Tribunal with a prayer to quash the order dated 06.05.2010 and direct the Respondents to consider his case for giving compassionate appointment to him.

2. In the counter affidavit filed by the Respondents it is submitted that the case of the applicant for compassionate appointment was considered in the Committee on 06.02.2009 and 19.11.2009. But the Committee did not recommend his name because he was not found to be more deserving than the persons who were recommended. It is also mentioned in the counter affidavit that according to the DOP&T O.M. dated 05.05.2003 maximum time a person's name can be kept under consideration for offering compassionate appointment is for a period of three years. In the present case, the applicant was considered by the compassionate appointment committee in its meeting held on 06.02.2009 and 19.11.2009. There were other cases more deserving than the case of the applicant and therefore the case of the applicant was not recommended. It is further submitted that the decision taken by the committee was in consonance with the extant provision of compassionate appointment.

with
of



3. The applicant has also filed a rejoinder in which he has reiterated his claim regarding the prayer for compassionate appointment.

4. I have heard Sri J. Sengupta, Ld. Counsel appearing for the applicant and Sri D.K. Mallick, Ld. ACGSC appearing for the Respondents.

5. I have also examined the order impugned in this O.A. i.e., letter dated 06.05.2010 addressed by the Respondents to the widow of the deceased Government employee. It is mentioned in this letter that the case for compassionate appointment was placed before the Compassionate Appointment Committee Meeting held on 06.02.2009 and 19.11.2009 wherein the committee did not find him more deserving than those who were considered for appointment. This however, does not reflect whether the applicant's case was considered on the basis of the objective criterion and any comparison was made with the other applicants on the basis of the laid down parameter. No papers have been filed reflecting the actual consideration and decision of the Committee. Further, it is mentioned in this letter that as per the Government guidelines dated 05.05.2003, compassionate appointment is to be considered within a period of one year from the date of death of the government servant subject to the availability of vacancies in compassionate quota. It is further mentioned that keeping in view the financial condition and in genuine and deserving cases, a person's name can be considered up to 03 years from the date of the death of government servant which in the instant case is 02.03.2007. Finally, a decision has been taken that if compassionate appointment is not possible to be offered during three years to the applicant, his case will be closed and will not be considered again. This order is not in keeping with the spirit of the scheme of compassionate appointment. There is no doubt that compassionate appointment is not a matter of right, but prayer for compassionate appointment has to be considered within parameter of the



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Government's guidelines and as per the scheme adopted by the Government of India, and the consideration of the prayer for compassionate appointment in the committee must be based upon objective criterion. The impugned order reads like the summary disposal of the application. Even though it is mentioned that the matter was considered twice in the committee, neither details of such consideration have been brought out nor the proceedings of the committee were produced. In course of the hearing, Ld. Counsel for the Respondents could not enlighten that the matter has been decided with due application of mind by the concerned authorities. I am, therefore, of the view that the prayer of the applicant for compassionate appointment deserves one more consideration in the compassionate appointment committee. Therefore, the Respondents are directed to place the matter again before the Committee for reconsideration on the basis of the objective criterion^{al} which have been issued by the Department of Personnel and Training for implementation of the compassionate appointment scheme. The claim of indigency and other related points urged by the applicant must receive fair and objective consideration in the deliberation of the Committee. This reconsideration shall be taken up in the next meeting of the Compassionate Appointment Committee and a decision in this regard should be communicated to the applicant with a reasoned order within a period of six months from the date of receipt of copy of this order.

6. With the observations and directions as stated above the O.A. is disposed of with no order as to costs.


(R.C. MISRA)
MEMBER(A)