

I/9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Original Application No. 210/2004
This the 18th day of February, 2005

Sohan Singh S/o late Shri Laxman Singh aged 21 years,
by caste Rajput, R/o Jagdamba Colony, Main Choraha,
Pratapnagar, Jodhpur.

.....Applicant.

{By Mr. Manoj Singh adv. brief holder for
Mr. I.R. Choudhary, adv. for applicant}

Versus

1. Union of India through the Secretary, Ministry of Water Resources
Government of India, New Delhi.
2. The Director, Central Ground Water Board, NH IV, Faridabad, Haryana.
3. The Director (Administration), Central Ground Water Board, NH IV,
Faridabad, Haryana.
4. The Regional Director (RD), Central Ground Water Board, Jaipur.
5. The Officer-in-Charge, Central Ground Water Board,
State Unit Office, Government of India, 64 Polo I, Jodhpur.

.....Respondents.

{By Mr. Bala Ram Kumavat, adv. Brief holder for
Mr. Arvind Samdarka, adv. for the respondents}

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ORDER
(By the Court)

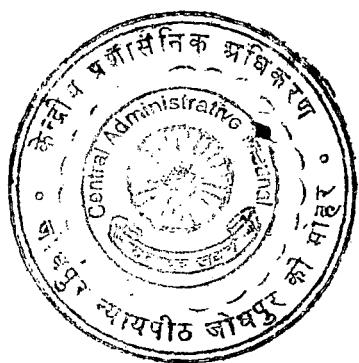
O.A. No. 210/2004 has been preferred by Sohan Singh S/o Late Shri Laxman Singh, who was employed under respondent No. 5 – the Officer-In-Charge, Central Ground Water Board (CGWB) at Jodhpur and died while on duty on 25.2.2002. There are four other respondents led by the Secretary, Ministry of Water Resources representing the Union of India, the Director, CGWB, Faridabad, the Director (Administration), CGWB, Faridabad, the Regional Director, CGWB, Jaipur and the Office-In-Charge, CGWB, Jodhpur. The case relates to the claim of the applicant for compassionate appointment in the office of the respondents for which he had made an application and which as per pleadings was rejected vide an order dated 23.2.2004 as at Annex. A/1.

—SRe



2. Learned counsels for both the parties have been heard and and reply filed by the respondents perused. The three line impugned order informs the applicant that his application was considered by the Screening Committee along with all other applicants but, as the vacancies available were not in proportion to the applicants, he could not be accommodated and that he should not correspond in this respect in future.

3. This much has to be said without any discussion that what has been communicated to the applicant is a cyclostyled order in which it was left only to the office staff to fill-in the names. Even presuming that before issue of this order, the Department had gone through the entire process of consideration as per the Guidelines on this subject, it does not stand to reason that the gist of that should not be made public.



4. It is an admitted fact that such applicants have only a right for consideration and they do not have any inherent right for appointment. It also goes without saying that in a situation where there are more applicants for few posts, only the most deserving should get the benefit of this welfare scheme. But to come to this conclusion the Guidelines provide an appropriate methodology by which the contention of every applicant's family is considered. There have been occasions when the Tribunal, after perusal of information relating to this exercise furnished by the departments, has come to the conclusion that there were simple mistakes leading to change in inter se priority of the applicants.

5. In this view of the matter, it would be only appropriate that the respondents – especially respondent No. 4 pass a speaking order on the claim of the applicant which includes the following so that he is in a better position to appreciate status of his claim for compassionate appointment :

- (i) the dates on which the Screening Committee considered his case;
- (ii) number of applicants considered in each meeting and those

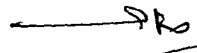
recommended for appointment;

(iii) number of vacancies available at the time the screening committee met for the purpose of compassionate appointment against the vacancies available for open market recruitment.

Such order when passed and communicated would make the entire process transparent and also enhance the image of the respondents as a model employer.



6. In this back-ground the cryptic order dated 23.2.2004 Annex. A/1 cannot be sustained and is quashed. The respondents are directed to pass the order as detailed above and communicate the same to the applicant within a period of 90 days. The applicant is allowed the liberty to agitate the matter again, if so advised. No costs.


(G.R. Patwardhan)
Administrative Member

jrm

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for
Asvind Samdhal
Acl.