

Central Administrative Tribunal
Jodhpur Bench, Jodhpur

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Original Application No. 224/2004
This the 2nd day of February, 2005.

CORAM :

Hon'ble Mr. G.R. Patwardhan
Administrative Member

Pradeep Nayak S/o Shri Bhanwarlal aged 24 years,
Near Shivwadi Mandir, Ward no. 7, Suratgarh,
District Sriganganagar, Late Sh. Bhanwarlal, Ex.MT
Driver in the Office of Garrison Engineer (AF)
MES, Suratgarh, Distt. Sriganganagar.

.....Applicant.

(By Mr. Vijay Mehta, Advocate, for the applicant)

Versus

1. Union of India through the Secretary to the
Government, Ministry of Defence,
Raksha Bhawan, New Delhi.

2. Chief Engineer (Air Force), W.A.C. Palam, Delhi.

3. Commander Works Engineer (Air Force), MES, Bikaner.

.....Respondents.

(By Mr. Dipendra Singh, Advocate, for respondents)

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Orders

{By the Court}



Pradeep Nayak S/o Shri Bhanwar Lal who was employed as M.T.

Driver in the Office of Garrison Engineer (Air Force), Suratgarh, has filed this application challenging the order dated 24th February, 2004 placed at Annex. A/1, by which his application for employment assistance on compassionate ground has been rejected by the Chief Engineer, respondent No. 2 of Western Area Command. There are two more respondents – Union of India through the Defence Secretary, and Commander Works Engineer (Air Force), Bikaner.

2. The applicant in this application prays through paragraph 8 to quash the order at Annex. A/1 and issue directions to the respondents to give him appointment on compassionate ground.

3. Brief facts of the case are that father of the applicant was a permanent employee at Suratgarh under the Garrison Engineer, who died on 28th May, 1997

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leaving behind the applicant, three daughters and the widow. As the family was solely dependent on the deceased despite receiving about Rs. 1.32 lakhs as terminal benefits and family pension of Rs. 2,150/- per month, the applicant felt constrain to apply for a post on compassionate ground under the respondents. He, therefore, seems to have preferred application on 3rd December, 1998. the respondents took their own time and only in 2004 i.e., seven years after the death and six years after the date of application, informed him that due to their being more deserving candidates, he could not be considered for appointment.

4. Reply has been filed. The learned counsels for both the parties have been heard and reply perused. The sum total of the arguments of the applicant are as follows :-



- (a) the impugned order is cyclostyled and does not disclose any material through which the applicant can infer about his merit;
- (b) there is no indication as to on which particular date, the screening committee considered his case and
- (c) the impugned order does not show how the scheme for making compassionate appointment as in Annex. A/3, has been followed wherein a detailed procedure has been prescribed for assessing relative merits of the candidates.

The learned counsel for applicant, therefore, has pleaded that the records of different screening committies be requisitioned and perused to ascertain if the procedure adopted was in line with the guidelines.

5. On the other hand, the respondents contention is that :

- (a) the impugned order has been correctly worded;
- (b) the case of the applicant was considered as per directions in the guidelines;
- (c) the impugned order is complete in nature and
- (d) the applicant's mother had made an application for compassionate appointment of her son after a gap of more than a year subsequent to the date of death of her husband.

6. 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. All that the applicant is asking for and as he sincerely believes to be his due, is that having been left without any support after the incident depriving the life of his father, the authorities who he had served, should atleast show consideration for their plight and provide whatever is admissible. It is an admitted position that the deceased employee had left behind the applicant, three daughters and the widow. If his case has been considered in accordance with the Guidelines and found that he was not a deserving person than it would not be too much to expect the authorities to communicate the reasons in some more detail.



It is an admitted fact that applicants on such ground have only a right for consideration and they do not deserve 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 will get the benefit of this welfare scheme but to come to this conclusion the Guidelines provide the appropriate methodology by which the contention of every applicant's family is considered. There have been occasions when the Tribunal, after perusal of the information furnished by the departments relating to this exercise, has come to the conclusion that there were simple mistakes leading to change in inter se priority of the applicants.

8. In this view of the matter, it would be only appropriate if the applicant is informed by the respondents about the following so that he is in a better position to appreciate his rejection for compassionate appointment –

(i) the dates on which the Screening Committee considered the matter;

(ii) number of applicants considered in each meeting and those recommended for appointment and

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(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.

9. Since such information when given would only make the entire process transparent and also enhance the stand of the applicant as a protector of the interest of its employees, there is no reason why this should not be made available to the applicant.



10. In this back ground the cryptic order dated 24.2.2004 Annex. A/1 cannot be sustained and it is quashed. The respondents are directed to make available the information indicated above to the applicant within a period of 90 days. If so advised, the applicant is allowed to agitate the matter again. No costs.

—S—

(G.R.Patwardhan)
Administrative Member

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[Signature]
L. [Signature]*

Recd.

Dipendra Singh 25/2

Part II and III destroyed
in my presence on 08/01/2014
under the supervision of
section officer () as per
order dated 18/12/2013
[Signature]
Section officer (Record)
8/1/14