

Central Administrative Tribunal  
Jodhpur Bench, Jodhpur

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Original Application No. 120/2004  
This the 18<sup>th</sup> day of Feb., 2005.

CORAM :

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

Usha Sharma Wife of late Shri Chhagan Raj  
aged 29 years, resident of C/o Beena Devi,  
Narayan Niwas, Sardarpura, Jodhpur.

(By Mr. Parmendra Bohra, Advocate, for applicant)

.....Applicant

Versus

1. Union of India through Secretary,  
Ministry of Water Resources,  
Government of India, New Delhi.

2. Zonal Director-cum-Director (Administration)  
Central Ground Water Board, NH IV, Faridabad.

3. Incharge, Central Ground Water Board,  
State Unit Office, Jodhpur.

.....Respondents.

(By Mr. Bala Ram Advocate for Mr. Arvind Samdaria, Advocate,  
for the respondents)

Order  
[By the Court]

Late Mr. Chhagan Raj Sharma was working in the Office of Central  
Ground Water Board (CGWB), Jodhpur, as a Driver, and expired on  
25.4.2000 in a train accident while proceeding on official duty. His widow  
Mrs. Usha Sharma, the present applicant, has come up to the Tribunal in this  
application with a prayer to grant her appointment on compassionate ground on

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a suitable post keeping in view her qualifications. There is also a prayer that communication dated 23.2.2004 annexed as Annex. A/1 from the Regional Director, CGWB, Faridabad be quashed. Respondents are the Union of India through the Secretary, Ministry of Water Resources and Officers of the CGWB at Faridabad and Jodhpur. This communication of February 2004 is in Hindi and translated in English, it runs somewhat as follows :-



“This is to inform you that your case for appointment on compassionate ground was considered by the screening committee along with cases of other applicants but that vacancies not being in proportion to the applicants, compassionate appointment could not be given for which the office sincerely regrets. Kindly do not enter into any correspondence.”

2. Learned counsel for both the parties have been heard today. Mr. Pramendra Bohra, learned counsel for the applicant has strenuously argued to show how the impugned order does not disclose any rationale much less the number of vacancies that were available for such applicants and how the case of the applicant could not be found fit. The learned counsel for the respondents Mr. Arvind Samdaria has explained on the basis of the reply that they have filed, that the case of the applicant was rejected because there were more deserving candidates available for accommodating against the limited number of vacancies. The reply also mentions the following points :-

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(a) the case of the applicant was considered as per norms;

(b) only 5% of the vacancies in Group 'C' and 'D' under direct recruitment quota can be filled by candidates belonging to this category and

(c) in the case of Life Insurance Corporation of India Vs. Mrs. Asha Ramchandra Ambedkar and others (JT 1994 (2) SC 183) Hon'ble the

Supreme Court has held that the Tribunal cannot give directions for appointment of a person on compassionate ground and, therefore, the Tribunal may not like to interfere with their orders.



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. All that the applicant is asking for and as she sincerely believes to be her due is that having been left without any support after the tragic incident depriving the life of her husband, the authorities whom he had served, should at least show some consideration for her plight and provide whatever is admissible. It is admitted position that the husband of the applicant died at a very young age and left behind a young widow saddled with responsibilities of two minor daughters, a minor son and the father-in-law. If her case has been considered in accordance with the Guidelines and found that she was not a

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deserving person then it would not be too much to expect the authorities to communicate the reasons in some more detail.

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. 2 pass a speaking order on the claim of the applicant which includes the following so that she is in a better position to appreciate status of her claim for compassionate appointment :

- (i) the dates on which the Screening Committee considered her 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.

*SPC*

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6. In this back-ground the cryptic order dated 23.02.2004 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.

SC  
(G.R.Patwardhan)  
Administrative Member



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25-2-05

Bachchanwala  
Adv.

for Arvind Samdarshi  
Adv.

Part II and III destroyed  
in my presence on 28-2-14  
under the supervision of  
section officer (j) as per  
order dated 18-12-13.

Section officer (Record)