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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application No. 48/2006

Date of decision: this the 3rd day of November, 2006.

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER

Usha Sharma wife of Late Shri Chagan Raj aged 31 years, resident of C/o Beena Devi, Narayan Niwas, Sardarpura, Jodhpur.

.....Applicant.

Mr. Parmenra Bohra, counsel for the 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, N.H. IV, Faridabad.
3. In charge, Central Ground Water Board, State Unit Office, Jodhpur.

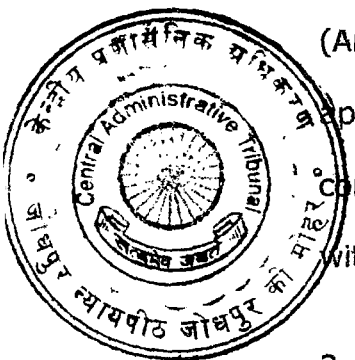
.....Respondents.

Mr. Arvind Samdaria, Counsel for the respondents.

ORDER [BY THE COURT]

Smt. Usha Sharma, has, inter alia, assailed the order dated 26.9.2005 (Annex. A/1), whereby, the case of the applicant for compassionate appointment has been turned down on the ground that in the comparative assessment, her case did not find place in merit so as to fall within the available vacancies.

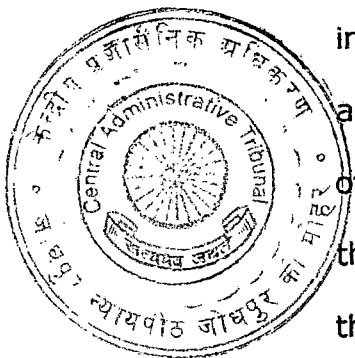
2. The brief facts of the case are that applicant is the widow of one Shri Chhagan Raj Sharma. The said Shri Chhagan Raj Sharma was employed on the post of Driver in the Office of respondent No. 3 and who died on 24.4.2000 while in service. Late Shri Sharma was survived by applicant,



two daughters, one son and father. The applicant applied for consideration for appointment on compassionate grounds. She fulfilled all the requisite formalities but her case has been turned-down vide impugned order dated 26.9.2005 (Annex. A/1). The O.A. has been filed on numerous grounds mentioned in the pleadings of the applicant.

3. The respondents have contested the case and have filed a detailed and exhaustive reply to the O.A. wherein, it has been stated that there were 53 candidates whose cases for compassionate appointment were considered by the screening committee on 3.2.2004 and as per the 5% vacancies falling in Group 'C' and 'D' categories under the direct recruitment quota, three candidates were recommended for appointment. The applicant's case could not be recommended as there were more deserving candidates than her. The legal grounds have been generally refuted.

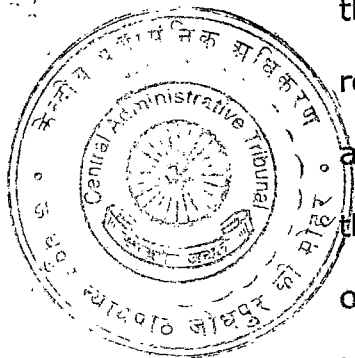
4. Both the learned counsel representing the contesting parties have reiterated the facts and grounds pleaded in their respective pleadings of the parties. The respondents were fair enough to make available the relevant proceedings of the screening committee. The learned counsel for the applicant has pointed out certain infirmities in the pleadings as well as with the findings of the screening committee. He has contended that in the list of 53 candidates, there were two persons who were less indigent than the applicant but they have been recommended and given appointment; giving rise hostile discrimination and infraction of Article 14 of the Constitution of India. On the other hand, the learned counsel for the respondents has clarified the position and has submitted that as per the scheme for grant of compassionate appointment of 1998, the cases of the individuals were required to be considered only for the vacancies arising during one year from the date of death and in this way, the case of the applicant was considered against the vacancies for the year 2000-



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2001 wherein candidatures 24 persons were considered and out of these 24 persons, it is only Smt. Savita, whose name fallen at No. 7, has been considered to be most indigent and recommended for appointment; there being only one vacancy. He has further contended that applicant's case was at lower merit than the one who was recommended. He has further submitted that the other list is for subsequent years and the question of consideration of applicant's case for those vacancies did not arise.

5. I have considered the rival submissions put forth on behalf of both the parties. The basic theme behind the consideration for appointment on compassionate ground is, to meet the immediate financial hardship to the family of the deceased Government servant by providing breadwinner to the family. However, there are certain constraints in providing such appointment and one of the constraints is 'availability of vacancy'. In this case, the reply seems to be not happily worded. There was in fact only one vacancy for the year 2000-2001 wherein the case of the applicant was required to be considered. Mere perusal of the comparative merit of the candidates considered for the said period, indicates that it is only the candidate who was most indigent, has only been recommended and given appointment for the year 2000-2001. One has only a right to consideration and not to appointment as such. In this view of the matter, the case of the applicant has been fairly considered. The action of the respondents is proper and no fault can be fastened to the same. The applicant has therefore no case calling any indulgence by this bench of the Tribunal. The result is rather very unfortunate but, I am left with no other option except to dismiss this Original Application, which I do order. However, there shall be no order as to costs.



J.K. Kaushik
(J.K. KAUSHIK)
JUDICIAL MEMBER

jrm

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Section officer (Record)