

I/10

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 384/2012

Jodhpur this the 16th day of April, 2013.

CORAM

Hon'ble Mr. Justice Kailash Chandra Joshi, Member (J)

Hon'ble Ms Meenakshi Hooja, Member (A)

Smt. Gaytri Devi W/o Late Sh. Rameshwar lal Jodhi aged about 44 years R/o Salamnath Ji Ka Dhora, Gangashahar, Bikaner, Rajasthan, Ward of Ex mate in the office of GE (AF) Nal, Bikaner, Rajasthan

.....Applicant

(Through Advocate Mr. S.K. Malik)

Versus

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. The Chief Engineer (AF) HQ WAC Palam Delhi Cant.
3. Commander Works Engineer (AF), Bikaner (Rajasthan)
4. Garrison Engineer, MES (AF), Nal, Bikaner (Rajasthan)

(Through Advocate Mr Mrigraj Singh with Mr Vinit Mathur)

..... Respondents

ORDER (Oral)

Per Justice Kailash Chandra Joshi, Member (J)

By way of this application, the applicant has challenged the legality of Annex. A/1, A/2 by which the respondents has refused to grant the applicant appointment of compassionate grounds.

2. The short facts of the case are that the applicant's husband while working on the post of Mate in the respondent department died on 10.01.2003 and she made an application dated 28.06.2003

before the respondents for her appointment on compassionate grounds. Thereafter Board of the officers assembled on 30.09.2003 and recommended her case to the respondent No. 3 for appointment on compassionate grounds. An OA No. 237/2009 was also filed by the applicant for directing the respondents to consider her case for compassionate appointment s. The respondent department closed the case of the applicant being 3 years old and later on the respondent department issued modified order. The contempt petition No. 48/2011 was also filed by the applicant. Another application dated 14.05.2011 was filed by the applicant for her compassionate appointment and again on 12.07.2012 another application was filed by the applicant for the same reason. Thereafter the impugned order dated 14.08.2012 and 18.08.2012 were issued by the respondent department, for quashing of these orders the present application has been filed.

3. By way of reply the respondents denied the right of the applicant for her appointment on compassionate grounds and further averred that her case was considered vis a vis other eligible candidates and she was found less meritorious than other candidates as she obtained only 75 marks whereas other eligible persons got more marks. Therefore, Annexs. A/1, A/2 do not require any intervention by the Tribunal.

4. Counsel for the applicant contended that in OA No. 237/2009 following order was passed :


"The case of the applicant for compassionate appointment shall be considered on the basis of comparative analysis for 3 consecutive turns after vacancies are marshaled, and if to be found sufficient in number for any fresh consideration so as to be adequately justifiable and for each of these occasions the applicant shall be informed of the details of her consideration by a speaking order maintaining full

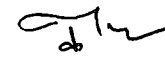
transparency. The O.A. is allowed to the extent above. No order as to costs."

In contravention of the order dated 16.12.2010, the applicant has not been provided the marks obtained by her vis a vis other candidates and details of the consideration has not been informed to her.

5. Counsel for the respondent stated during the course of the argument contended that vide letter dated 26.10.2012 she was informed of the marks but this does not find any reference in the reply and even vide letter dated 26.10.2012 marks obtained by the similarly situated persons have not been disclosed to the applicant.

6. We are proposing to dispose off this OA while quashing the Annexs. A/1, A/2 with the direction to the respondent department to inform the applicant about her consideration vis a vis other similarly situated persons and marks obtained by the other persons also, while keeping complete transparency. Accordingly, Annexs. A/1 & A/2 are quashed and respondent department is directed to consider the case of the applicant and inform her about complete process of the consideration including the marks obtained by the applicant vis a vis other candidates within 3 months from the date of receipt of the order. In case applicant is found fit for appointment, she may be offered appointment on compassionate grounds as per rules.


(Meenakshi Hooja)
Administrative Member


(Justice K.C. Joshi)
Judicial Member