

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 425/2013

Jodhpur, this the 6th day of May, 2016

CORAM

Hon'ble Ms. Praveen Mahajan, Administrative Member

Bheru Singh s/o Late Shri Nahar Singh, aged about 27 years, r/o Village Virolai, Post Naya Sarvada, Tehsil Pindwara, District Sirohi, Rajasthan.

.....Applicant

By Advocate: None present for the applicant

Versus

1. Union of India through the Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
2. Administrative Officer (PERS), Central Bureau of Investigation, Headquarter, New Delhi.
3. Director, Central Bureau of Investigation, New Delhi.
4. Deputy Inspector General of Police, Central Bureau of Investigation, ACP, Jaipur, Rajasthan.

.....Respondents

By Advocate : Mr. Rameshwar Dave

ORDER

In this case, none present for the applicant on 13.10.2015, 06.01.2016 and even today. Since it is a 2013 matter and no purpose will be served if the matter is adjourned for the next



date. Accordingly, the same is being decided on the basis of pleadings available on record.

2. The present application has been filed against the rejection of appointment on compassionate grounds to the applicant. In the relief, he has prayed that the orders/communications/letters dated 17.08.2007 (Ann.A/5), 18.03.2008 (Ann.A/6), 25.03.2008 (Ann.A/7), 13.10.2008 (Ann.A/8), 09.04.2012 (Ann.A/10) and 26.02.2013 (Ann.A/11) may be quashed and set-aside and the respondents may be directed to give compassionate appointment to the applicant from the date he became eligible to be appointed on compassionate ground with all consequential benefits. Further prayed that the respondents may be directed to afford compassionate appointment without any delay and the respondent is liable to pay compensation with current interest.

3. Briefly stated, facts of the case are that father of the applicant while working as Sub Inspector in the CBI died on 02.04.2004 leaving behind the applicant, his brother, mother and 2 sisters. The applicant moved an application for compassionate appointment to the respondent department. On 07.02.2004 a communication was made by the respondents whereby certain objections were raised regarding the details of the family members of applicant and it was stated that they are not eligible

received by his mother under different heads. The applicant has further stated that he was called for interview twice vide letter dated 13.02.2006 and 06.02.2007 and was also directed to remain present at the stipulated venue on 26.02.2007. When after interview the applicant was not called, the applicant approached the authorities and applicant alongwith his mother, made several representations to the respondents. Vide communication dated 02.08.2006, mother of the applicant was informed by the respondents that the case of the applicant cannot be considered due to non availability of vacancies under meagre quota of compassionate appointment and the case will be finally put up before the next duly constituted committee for consideration. On 17.08.2007, the applicant was intimated that the committee members in their meeting did not recommend the case of the applicant, and the matter has been closed. On 18.03.2008, the applicant was sent a detailed reply explaining the reasons as to why the case of the applicant cannot be considered for grant of compassionate appointment. The mother of the applicant again filed a representation dated 13.02.2012, and was informed that the committee members on 26.02.2007 have not recommended the case of the applicant. While rejecting the case of the applicant, the respondents have stated that a lump sum amount of Rs. 1,82,326/- and family pension of Rs. 4650/- has already been paid

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amount received by his mother cannot be treated/deemed as a source of survival. Thus, aggrieved of the action on the part of the respondents, the applicant has filed the present OA.

4. In reply to the OA, the respondents have stated that a letter dated 22.07.2004 was sent to the mother of the applicant for seeking information in the prescribed format for considering his candidature along with other similarly situated candidates as a matter of practice. As per DoPT OM dated 9.10.1998, only 5% of the vacancies falling under direct recruitment quota in Group-C posts can be filled by making compassionate appointment. The respondents have further stated that payment of Rs. 7,82,326/- has been made to the family after the death of the Government servant. The applicant was advised vide letter dated 13.2.2006 to report before the Selection Committee for a personal talk on 03.03.2006. At the relevant time there were only 5 vacancies (4 in Group-C and 1 in Group-D) to be filled up by compassionate appointment and there were 19 candidates awaiting their appointment on compassionate grounds. Out of 19 candidates, 3 widows, 1 son and 1 daughter of the deceased CBI personnel were recommended for compassionate appointment. Again, the letter dated 06.07.2007 was sent to the applicant to report before the Selection Committee meeting on 26.07.2007. At that time, against 27 candidates, there were only 5 vacancies of Group-C

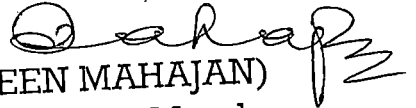
available. Against these vacancies 3 widows, 1 daughter and 1 son of the deceased employees were recommended and 6 cases (including the applicant) were not recommended by the Committee held on 26.02.2007. In reply, the respondents have also referred to the case of Umesh Kumar Nagpal vs. State of Haryana and ors., reported in JT 1994 (2) SC 525 and the case of Life Insurance Corporation of India vs. Mrs. Asha Ramchandra Ambedkar, reported in JT 1994 (2) SC 183, and prayed that the OA be dismissed.

5. Heard counsel for respondents and went through the facts placed on record. I find that the respondents have seriously considered the case of the applicant for grant of compassionate appointment. On 03.03.2006 and on 26.02.2007, the case of the applicant was considered by the High Powered Committee convened to decide such cases. In their reply, the respondents have explained at length, the reasons as to how other similarly placed candidates were found more deserving than the applicant. (Para 4.5 & 4.6). Vide letter dated 25.03.2008 (Ann.A/7), the mother of the applicant was informed about the findings of the Committee held on 26.02.2007. She was informed about the parameters viz. marriage of two sisters of the applicant before death of the deceased, grant of Rs. 7,82,326/- as retiral benefits alongwith family pension to her - coupled with selection of worse

placed candidates vis-a-vis, her son (the applicant) due to which the issue of compassionate appointment case was closed. In response to her representation dated 13.02.2012, again letter dated 09.04.2012 was sent to DIG, CBI, Jaipur – wherein it was reported that 5 more such cases of compassionate appointment have also been closed after due consideration. Going beyond the prayer, the Admn. Officer (Pers.) requested the DIG, CBI, investigation, Jaipur to depute an officer to personally visit and advise the applicant's mother suitably.

6. I find that sufficient and serious efforts have been made by the respondents to consider the case of the applicant. However, due to reasons discussed above, the same did not fructify.

7. Accordingly, the OA is dismissed with no order as to costs.


(PRAVEEN MAHAJAN)
Administrative Member

R/