

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR

Original Application No. 469/2013

Jodhpur, this the 16th April, 2014

CORAM

HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, MEMBER (J)

Ghanshyam Tak S/o Late Shri Daulat Ram, B/c Mali, aged 20 years, R/o 64, Dhanesh Nagar, Saran Nagar, Ajmer Road, Jodhpur (Raj). Deceased employee worked as Electrician (SK) under res No. 2.

.....Applicant

Mr. Girish Sankhla, counsel for applicant

Vs.

1. Union of India through Secretary to Defence, Ministry of Defence, New Delhi.
2. Garrison Engineer, Military Engineering Services, Garrison Engineer (A) Utility, Multan Lines, Jodhpur.
3. Chief Engineer, Military Engineering Services, Garrison Engineer (A) Utility, Multan Lines, Jodhpur.

...Respondents

Mr. Aditya Singhi, proxy counsel for Ms K. Parveen, counsel for the respondents

ORDER (Oral)

The applicant Shri Ghanshyam Tak has filed this application under section 19 of Administrative Tribunals Act, 1985 seeking direction for providing appointment on compassionate grounds under the respondent-department.

2. Short facts of the case are that the applicant's father late Shri Daulat Ram Tak working on the post of Electrician (SK) in the respondent-department died on 15.09.2010 while in service. The wife of the deceased employee submitted application dated 18.10.2012 in the respondent-department for providing appointment on compassionate ground to her elder son i.e. the present applicant. The respondent-department issued a letter on 19.10.2012 asking relevant documents from the wife of deceased employee for providing appointment on compassionate grounds to the present applicant. Therefore, the respondent-department asked the applicant to furnish movable/immovable property certificate as well as widowhood certificate. Even though, the applicant submitted these certificates as well as other relevant documents within prescribed period, but the respondent-department has not provided the benefit of compassionate appointment to the applicant. The applicant sent a notice for demand of justice through his counsel by registered post on 24.09.2013 to the respondent-department but no relief has been provided to the applicant. It has been further averred in the OA that the applicant has made all the efforts for getting appointment on compassionate ground but respondent-department is adamant, therefore, he has filed this OA seeking direction to the respondent-department to provide appointment on compassionate grounds.

3. By way of reply the respondents have denied the right of the applicant to get appointment on compassionate grounds and have averred that the applicant's case has already been considered by

the respondent-department in the Board of Officers for the vacancies meant for compassionate appointment, for the year 2012-13 and speaking order in this regard has been issued vide HQ letter dated 21.11.2013, therefore, the respondents have prayed for dismissal of OA.

4. Heard both the parties. Counsel for the applicant contended that the applicant has sent a registered notice for demand of justice through his counsel on 24.09.2013 to the respondent-department but nothing has been done and the applicant has not been provided appointment on compassionate grounds under relevant rules. He further contended that the applicant is entitled to get the appointment on compassionate grounds under the relevant rules.

5. Per contra counsel for the respondents contended that the case of the applicant was considered by the respondent-department but he was not given appointment on compassionate grounds due to low in merit and his case has been recommended for next look and the same was communicated to the applicant vide HQ speaking order dated 21.11.2013. He further contended that the respondents shall consider the case of the applicant from the last year's calculated vacancies which may fall vacant for compassionate appointment.

6. Having considered the rival contention of both the parties and averment made in the application, I am proposing to dispose of this OA with certain directions.

7. OA is disposed of with the directions that the applicant shall make a detailed representation for the second look of his case by the respondent-department and the respondent-department shall consider the case of the applicant in second look alongwith his representation for the same, as per law, for the vacant posts meant for compassionate appointment under 5% quota for the year 2013-14 i.e. next year. The respondent-department shall inform the applicant about the decision taken by them.

8. In terms of above direction, OA is disposed of with no order as to costs.


(JUSTICE K.C.JOSHI)
Judicial Member

SS/

for
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Lish Singh
Bish Singh
Kaur

Reem
Kaur
25-4-14