

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 488/2013

Jodhpur this the 10th May, 2016.

CORAM

Hon'ble Ms Praveen Mahajan, Administrative Member

Pooja D/o Late Shri Durgesh Kumar, Resident of 313, Balmi Ki Colony,
Jaisalmer (Raj).

.....Applicant

(By advocate : Mr O.P. Joshi)

Versus

1. Kendriya Vidyalaya Sangathan through its Commissioner, 18, Sanstapt Area, Sahid Jeet Singh Marg, New Delhi – 110001.
2. Deputy Commissioner, Kendriya Vidyalaya Sangathan, 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur

(By Advocate : Avinash Acharya)

.....Respondents

ORDER

The present application has been filed u/s 19 of Administrative Tribunals Act, 1985, seeking following relief(s) :-

- (a) That the order impugned dated 12.06.2013 (Annexure A/1) may kindly be quashed and set aside.
- (b) That the respondents may kindly be directed to consider the case of the applicant for compassionate ground ignoring the parameters having no nexus with the object of extending

- (c) Any other appropriate order or direction, which may be considered just and proper in the light of above, may kindly be issued in favour of the applicant.
- (d) Costs of the application may kindly be awarded in favour of the applicant.

2. The case of the applicant is that she is daughter of late Shri Durgesh Kumar who was serving as Lab Technician in Kendriya Vidhalaya Sangthan in the Dedriya Vidhalaya (Air Force), Jaisalmer, died on 21.11.2010 while in service. The applicant's mother approached the respondent authorities seeking appointment on compassionate ground for her daughter i.e. the applicant in prescribed Performa, which was forwarded to the Jt. Commissioner, KVS, New Delhi vide letter dated 30.01.2012 (Annex. A/3). She again approached the respondent-department by sending a reminder and the respondent department vide communication dated 04.10.2012 informed her that her name was not placed in the cut-off list by the committee in view of the parameters adopted. Hence, her name could not be short listed for offer of appointment. The applicant has averred that she is 10th pass and belongs to Schedule Caste. The mother of the applicant again approached the authority seeking consideration for appointment of the applicant on compassionate grounds but the respondent department vide order dated 12.06.2013 rejected the case of the applicant for compassionate appointment. Being aggrieved with the order dated 12.06.2013 (Annex. A/3).

3. The respondents in their parawise reply have submitted that the case of the applicant was received in KVS Headquarter on 07.02.2012. On the basis of details provided in the prescribed form showing financial condition and dependent family members of Late Shri Durgesh Kumar, the case of the applicant was examined and considered thrice by the Compassionate Appointment Committee alongwith other such cases, in the meetings held on 07.05.2012, 24.01.2013 and 13.12.2013. The respondents in their reply produced the Circular dated 20.01.2010 issued by Ministry of Communication & IT, GOI regarding Scheme of Compassionate Appointment. The respondents have averred that the applicant secured 64 marks on 100 point scale in terms of aforesaid circular. The rejection letter has been issued after due verification and taking into consideration all aspects of the case. The respondent-department has considered 153, 201 and 277 cases in the meetings held on 07.05.2012, 24.01.2013 and 13.12.2013 respectively. The case of the applicant was not short listed in merit list. The cut off marks in the meeting of CAC held on 13.12.2013 was 71. Therefore, the case of the applicant could not be short listed for appointment under Scheme of Compassionate appointment. Thus, the respondents have rejected the case of the applicant.

4. Heard both the counsels.

5. Counsel for applicant contended that the order Annex. A/1 dated 12.06.2013 failed to disclose any foundation for the conclusion drawn culminating into a decision not to grant compassionate appointment to the

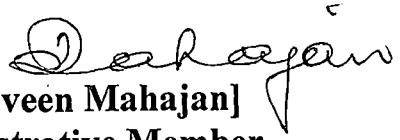
provide any such document of comparative assessment to the applicant to understand how and in what circumstances the case of the applicant was rejected. Therefore, the order Annex. A/1 is mechanical exercise of administrative power.

6. Per contra, counsel for respondents contended that the order Annex. A/1 is speaking one and legal. The case of the applicant has been considered thrice by the competent authority after due verification and taking into consideration all aspects of the case. The applicant secured only 64 marks whereas the cut off marks were 71, therefore, she could not be short listed for appointment on compassionate grounds.

7. Considered the rival contentions and perused the record.

8. I have gone through the order Annex. A/1 passed by Dy. Commissioner, KVS, Jaipur. The same does not disclose any information regarding how and in what circumstances the case of the applicant was rejected. Nor any information regarding how the comparative assessment of the case of the applicant with respect to others has been made. More so, during course of arguments, counsel for applicant produced copy of Ration Card of the late Shri Durgesh Kumar in which it appears that there is another younger sister of the applicant in the family named Sunaina who is minor. But, Annex. R/1 dated 11/17.09.2014 produced by the respondents on record, shows the marks allotted against the column of 'No. of Minor Children-Points" as Zero. It appears that there has been an error in computing the marks awarded to the applicant and the relevant parameters

9. Accordingly, the respondents are directed to carefully reconsider the case of the applicant in immediate next meeting of CAC and pass an appropriate order disclosing marks allotted to the applicant.
10. In terms of above direction, OA is disposed of with no order as to costs.


[Praveen Mahajan]
Administrative Member

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