

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

**Original Application No.290/00161/2014  
with  
Misc. Application No.290/00206/2014**

Jodhpur, this the <sup>18/</sup> day of December, 2016

Reserved on 21.11.2016

**CORAM**

**Hon'ble Ms. Praveen Mahajan, Administrative Member**

Narendra Singh Khichi S/o late Shri Mahipal Singh Khichi, aged about 21 years, R/o 593, New BJS Colony, Jodhpur, his late father was last employed on the post of LDC, Locust Warning Organisation, Near Earth Satellite Station, Jaisalmer-345001.

.....Applicant

Mr.J.K. Mishra, counsel for applicant.

**Versus**

1. Union of India through Secretary to Govt. of India, Ministry of Agriculture, Department of Ag. and Cooperation, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi-110 001.
2. Plant Protection Advisor to Govt. of India, Directorate of Plant Protection Quarantine & Storage (DPPQS), N.H.-IV, Faridabad-121 001 (Haryana).

.....Respondents

Mr. Babu Lal Bishnoi, counsel for respondents.

**ORDER**

The present OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 against the order dated 17.04.2012 (Annexure-A/1) by which the candidature of the applicant has not been recommended for appointment on compassionate grounds.

2. Brief facts of the case are that the applicant is the son of deceased Government servant, Shri Mahipal Singh Khichi, who was employed on the post of LDC cum Store Keeper in the office of Locust Warning Organisation. The deceased Government servant died on 25.09.2007 and left behind his widow, one son (applicant). At that time, the applicant was a minor of about 14 years of age and was under study in 10th standard. His mother had been suffering from Tumour in stomach and was operated for the same. Her health deteriorated and she has not been in a position to think of any employment for the reasons of her health as well as the fact of being illiterate. The mother of the applicant was paid an amount of Rs.1,18,292 towards DCRG, Rs.99,410/- for leave encashment, GPF Rs.1,19,083, Rs.30,000 + 14,848 towards CGIS/ saving etc and an amount of Rs.3,525/- was sanctioned as family pension. She received total amount of about of Rs.3 Lakh towards terminal benefits in respect of the deceased government servant.

3. The applicant passed Secondary Exam 2007, Senior Secondary in 2010 and B. Sc. Exam in 2013 from Board of Secondary Education, Rajasthan and JNVU Jodhpur respectively. The mother of the applicant submitted an application on 24.06.2009 after the applicant attained the age of majority in the year 2009 and requested for consideration of her son i.e. the applicant for grant of appointment on compassionate grounds. The same was duly forwarded to the 2nd respondent vide letter dated 26.08.2009. The matter was kept under consideration and numerous reminders were sent to the competent authority. Vide letter dated 17.04.2012 (Annexure-A/1) the

applicant was informed that the Committee on compassionate appointment has not recommended his case. No other details are forthcoming and his claim has been turned down through a non speaking and cryptic order. Thereafter, the applicant was advised to re-submit his papers which were duly forwarded to the 2nd respondent by the controlling authority of the deceased government servant vide letter dated 15.06.2012 (Annexure-A/5). It has been averred that the case of the applicant has not been considered properly by the respondents as per the instructions regarding appointment on compassionate grounds. The applicant also filed a misc. Application for condonation of delay in filing the OA.

4. In reply, the respondents have averred that the first consideration was afforded by the Committee to the 54 pending cases including the case of the present applicant against 5 vacancies ear-marked for compassionate appointment that arose during 2009-10. The second consideration was afforded by the Committee to the remaining 49 cases including the case of the present applicant against 8 vacancies for the year 2010-11. The third consideration to the pending cases was afforded by the Committee as per the directives of this Hon'ble Tribunal in OA No.29 of 2010 by which the case of the present applicant was also placed before the Committee. The Committee considered the cases placed before it on the basis of the instructions contained in DAC's letter No.1234/1/2006 dated 31.03.2012 and awarded grade points based on various attributes indicated in the Scheme. On the recommendation of the Committee, 10 candidates were considered for compassionate appointment against the one backlog vacancy

for the year 2010-11 and six vacancies for the year 2011-12 after verifying their educational qualifications and other extant instructions of the Government on compassionate appointment. The name of the applicant was also considered by the Committee but based on the grade points awarded to the applicant and different candidates it was found that there were other candidates who secured more grade points than him. As such, he could not be recommended/ selected for appointment. The score of the applicant was 54 keeping in view the various parameters. Therefore, the respondents pray that in view of all these facts the OA is liable to be dismissed.

5. Respondents also filed an additional affidavit in which it has been averred that the candidature of the applicant was considered during the year of 2009-2010 but since he was minor no marks were awarded. Again applicant was considered but even at the relevant time applicant was minor, the third time his candidature was considered wherein the applicant secured only 54 marks. The applicant's candidature is again under consideration as applicant was minor during the years 2011 and 2012. Therefore the present OA is premature since candidature of the applicant is still under consideration for compassionate appointment. Further, the chart of relative merit point for selecting candidature relating to the year 2011, 2012 and 2014 are annexed as Annexure-R/1.

6. The Misc. Application No.206/2014 for condoning the delay in filing the OA is allowed for the reasons stated in the application itself.

7. Heard both the counsels.
8. Learned counsel for the applicant, Shri J.K. Mishra, submitted that the case of the applicant for appointment on compassionate grounds was considered twice by the respondent department when he was still a minor. He pointed out that fact can be very well seen from the Annexure-R/1 annexed by the respondents along with their additional affidavit where Relative Merit Points has been awarded to the candidates. In the first consideration of the year 2011, the name of the applicant figured at serial No.40 and in the second consideration of the year 2012, it figures at serial No.38. In both the considerations, it had been recorded against the name of his column that "Minor. Hence. NR." Learned counsel for the applicant further clarified that the case of the applicant has only been considered once in the year 2014 by the Committee for offering compassionate appointment against one back log vacancy for 2010-11 and six vacancies for the year 2011-12 where the name of the applicant figures at serial No.31 and has been awarded 54 marks. His case could not be recommended for appointment on compassionate grounds due to lower marks than other meritorious candidates. Therefore, he requested that the candidature of the applicant may be reconsidered afresh by the next Committee likely to be convened in the near future.
9. Learned counsel for the respondents Shri B.L. Bishnoi, stated that the OA filed by the applicant is premature and the respondents are likely to consider his case again as applicant was minor during his two considerations of the year 2011 and 2012. He stated that, as already

submitted their additional affidavit, the OA is premature for the reasons stated above.

10. I have considered the rival contentions of both the parties and perused the record. It is an admitted fact that the case of the applicant was considered twice when he was still a minor. It is seen that the applicant was advised to re-submit his papers for granting of compassionate appointment which were duly forwarded to the 2nd respondent by the controlling authority vide letter dated 15.06.2012 (Annexure-A/5). After that, the case of the applicant has only been considered once in the year 2014. Since, the respondents in their additional affidavit categorically stated that the applicant's candidature is again under consideration as applicant was minor during the year 2011 and 2012. Therefore, at this stage, I think it just and proper to dispose of this OA with a direction to the respondents to reconsider the candidature of the applicant for appointment on compassionate grounds for the coming years as envisaged under the rules in force. Accordingly, the impugned order dated 17.04.2012 (Annexure-A/1) is quashed. No order as to costs.

  
[PRAVEEN MAHAJAN]  
ADMINISTRATIVE MEMBER

Received  
9/12/16

RHC  
9/12/16