

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA.

O.A. No. 678 of 2005

Date of order : 29.8.06.

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member ( J )

Manoj Kumar , S/o Late K.D. Jha, resident of village-  
Raipura, P.S & P.O. Fatwah, District – Patna.

.....Applicant

By Advocate : Shri K.K. Jha assisted By Shri A.K. Thakur  
Vs.

1. The Union of India through Chief Secretary, Home Ministry, New Delhi.
2. The Director, Central Bureau of Investigation, Block No. 3, 4<sup>th</sup> Floor, C.G.O. Complex, Lodhi Road, New Delhi.
3. The Committee for compassionate appointment and its members and office bearers at Central Bureau of Investigation, Block No. 3, 4<sup>th</sup> Floor, C.G.O. Complex, Lodhi Road, New Delhi.
4. The Deputy Director ( Admn ) , Central Bureau of Investigation, Block No. 3, 4<sup>th</sup> Floor, C.G.O. Complex, Lodhi Road, New Delhi.
5. The Superintendent of Police ( HQ ), Central Bureau of Investigation, H.O. Block No. 3, 4<sup>th</sup> Floor, C.G.O. Complex, Lodhi Road, New Delhi.

.....Respondents

By Advocate : Shri M.D. Dwivedi

O R D E R

By Sadhna Srivastava, M ( J ):-

The applicant is aggrieved by the action of respondents in not providing appointment to him on

compassionate ground.

2. The facts are that the applicant's father, K.D. Jha , while working on a Group 'B' post of private Secretary in Central Bureau of Investigation ( CBI in short), Head Office, New Delhi applied for his retirement on medical ground on 12.2.2002. The respondents, on the recommendation of the Medical Board , granted retirement to K.D. Jha ( applicant's father) with effect from the afternoon of the 31.07.2002 under rule 38 CCS (Pension) Rules, 1972. Immediately, thereafter, K.D. Jha applied for compassionate appointment of his son, Manoj Kumar ( applicant). The rule position is that the compassionate appointment to the dependent family member of a government servant can be considered only if the government is retired on medical ground before attaining the age of 55 years. The date of birth of the applicant's father is 6.7.1946 and he was retired on 31.7.2002 at the age of 56 years 25 days on medical ground. Therefore, the claim of the applicant was not covered under the Scheme /Rules. However, the respondents still decided to consider the applicant and he was considered in the meeting dated



27.2.2004 of the Selection Committee constituted for the purpose. The committee did not select the applicant on the ground that the other six candidates were placed in more penurious conditions.

3. I have heard the learned counsel for the parties and perused the record.

4. In para 8 of the written statement the respondents alleged that in view of the economic status of the family of the applicant in comparison to other similarly placed candidates , the committee did not recommend the name of the applicant for compassionate appointment. The applicant disputed this proposition at the stage of argument. Therefore, vide order dated 23.2.2006 the respondents were directed to produce the comparative chart on the basis of which applicant's case was rejected and the other candidates alleged to be in more penurious condition were recommended. On perusal of the comparative chart, I do not find any ground to interfere. The reason is that taking into account the remaining period of service of the deceased guardian parent and the economic condition of family of all the six candidates recommended for



appointment, I do not find any mistake on the part of the committee in not selecting the applicant. There were six vacancies only and more deserving candidates were recommended by the committee. Thus, I do not find any ground to interfere.

5. Before I part, it may be mentioned that the applicant has alleged that he was BA (Hons) History, proficient in shorthand and type. May it be so, the appointment on compassionate ground is provided in limited number of 5 % vacancies on the grounds of liabilities of the deceased, the remaining period of service of the deceased and the economic status of the family. The remaining 95 % of the vacancies are to be filled up by direct recruitment on merit. Therefore, this allegation does not help the applicant.

6. Resultantly, the OA is dismissed, without any order as to the costs.

  
[Sadhna Srivastava] M [J]

/cbs/