

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00505/2014

Date of Order: 15.11.2016

CORAM

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Budh Narayan Mali S/o Late Shri Ramniwas Mali, aged about 21 years, R/o Village & Post Chandsen, Tehsil Malpura, District Tonk.

.....Applicant

(By Advocate Ms. Suman Chaudhry, Proxy
for Mr. Pavan Sharma)

VERSUS

1. The Union of India through the Director, Central Sheep and Wool Research Institute, Avikanagar, District Tonk, Tehsil Malpura, Rajasthan-304501.

2. The Assistant Administrative Officer, Central Sheep and Wool Research Institute, Avikanagar, District Tonk, Tehsil Malpura, Rajasthan-304501.

.....Respondents

(By Advocate Mr. S.S.Hassan)

ORDER

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 against the order dated 25.02.2014 (Ann.A/1) by which order of appointment of the applicant to the post of Skilled Support Staff has been cancelled and thereby seeking the following reliefs:-

8.(i) the order impugned bearing No.12(26)R/95/Vol.II/978 dated 25.02.2014 (Ann.A/1) passed by the respondent No.2 may kindly be quashed and set aside restoring and upholding the order of appointment dated 18.02.2014 allowing the applicant to work on the post of Skilled Support Staff with all consequential benefits at least from the date of joining as given under the order of appointment dated 18.02.2014.

(ii) the action on the part of the respondent in cancelling the appointment of the original applicant be declared as illegal, arbitrary,

malafide and based on discrimination beside violative of Article 14, 16 and 21 of the Constitution of India;

(iii) Any other order of direction which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case and in the interest of justice be also passed in favour of humble applicant;

(iv) Costs be awarded in favour of the applicant.

2. When the matter came for hearing and consideration on 25.10.2016 and continued today, Ld. Counsel for applicant submitted that vide Ann.A/5 Memorandum dated 18.2.2014 an offer of appointment was made to the applicant for the post of Skilled Support Staff and the applicant was directed to join the duty on or before 18.3.2014. However, suddenly without any notice the said offer was cancelled vide Ann.A/1 Memo dated 25.2.2014 stating that on account of unavoidable circumstances being faced by the Administration the offer is cancelled. In this regard counsel for applicant submitted that the father of the applicant was appointed on the post of Skilled Support Staff and he expired on 20.3.2012 and therefore, the mother of the applicant made an application for appointment on compassionate ground for her youngest son who is 10th pass (Ann.A/4). Counsel for applicant further contended that though in reply it has been stated that the Assistant Administrative Officer (AAO) was not the competent authority to issue the orders but no document has been filed to show how he was not competent. She further submitted that the contention of the counsel for the respondents in their reply that Shri K.L.Koli, who was the then AAO has not been impleaded as party is not valid because in the order itself it has been mentioned that the order has been issued on behalf of the Director and therefore, there was no requirement to make Shri K.L.Koli as a party in person.

3. Per contra, the counsel for respondents submitted that the then AAO Shri K.L.Koli had issued the appointment order dated 18.2.2014 without any approval of the competent authority. He was also not

authorized to issue the same and when the fact came into the notice of Administration, the competent authority considered the matter and Shri K.L.Koli as AAO cancelled the order just within 7 days. The applicant has not impleaded Shri K.L.Koli, the then AAO as respondent in OA. He further submitted that for this mistake Shri Koli has been charge-sheeted also and the D.R. present in the Court confirmed the same. Counsel for respondents also submitted that there is a well laid down procedure for appointments made on compassionate grounds and all the applications are screened, considered by a Committee and only on the recommendation of the said Committee, the competent authority issues appointment order, but as is apparent from Ann.A/5, no reference has been made to the laid down procedure and is patently wrong and erroneous and was justifiably cancelled and prayed for the dismissal of the OA.

4. Considered the aforesaid contentions and perused the record. It appears from the reply and the contention of the counsel for respondents that the offer of appointment, made to the applicant vide Memorandum dated 18.02.2014 Ann.A/5 was issued by an authority who was not competent to do so and further it is also noted that there is no reference therein that it is a compassionate appointment, and further it does not refer to any recommendation of the Committee which is a normal procedure for giving compassionate appointment and therefore, as stated in their reply, cancellation of the same vide Memorandum dated 25.02.2014 Ann.A/1 appears to be in order. At the same time it is a fact the father of the applicant worked in the respondent department and died on 20.03.2012 while in service and the mother of the applicant also made an application as at Ann.A/4 for her younger son, therefore, the respondents are required to consider the same.

See

5. At this stage counsel for the applicant in this regard submits that if the applicant is considered for compassionate appointment then any disqualification regarding age etc. which may have arisen due to the pendency of the OA may be ignored by the respondents. In this regard counsel for respondents submits that in view of the age or qualification, the applicant will not face any difficulty and further submits that the application of the applicant is already under consideration for compassionate appointment along with others.

6. In view of the submissions made as above it is directed that the respondents may consider case of the applicant for compassionate appointment as per law, if not already considered, and decide the same within three months from the date of receipt of the copy of this order.

OA is disposed of as above with no order as to costs.



(Ms. Meenakshi Hooja)
Administrative Member

Adm/