

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 24.4.2001

OA 147/98

Chandra Singh s/o Shri Ramphal r/o Bhuda Darwaja, Deey,
District Bharatpur.

... Applicant

Versus

1. Union of India through Secretary, Archaeological, Ministry of Human Resources, Shastri Bhawan, New Delhi.
2. Director General, Archaeological Survey of India, 11, Janpath, New Delhi.
3. Dy. Superintending Horticulture Archaeological Survey of India, Horticulture Division No.11, Safdarjung Tomb, New Delhi.
4. Asstt. Superintending Horticulturist, Archaeological Survey of India, Deey Palace, Deey, District Bharatpur.
5. The Chief Horticulturist, Archaeological Survey of India, Taj Mahal, Agra (UP).

CORAM:

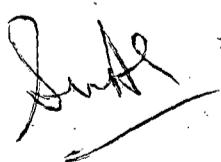
HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

O R D E R

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

In this OA filed u/s 19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to appoint him compassionate grounds from the date of his application.



2. In brief, the case of the applicant is that father of the applicant, Shri Ramphal, was employed as Chowkidar in the department of Archaeological Survey of India and died on 16.1.95 in harness leaving behind him three sons namely Karan Singh, Ram Babu and the applicant, and one daughter Shanti, who had already married. It is stated that the applicant submitted an application on 4.3.95 with the consent of his brothers for appointment on compassionate grounds and in pursuance of that application the department had directed the applicant to make an application in the prescribed proforma in duplicate. Thereupon, the applicant submitted an application for appointment on compassionate grounds in the manner as directed by the respondents alongwith death certificate of deceased Ramphal and age certificate of the applicant himself. The documents were also sent by the applicant for further necessary action but there was no progress. The applicant sent reminder but he received a letter of respondent No.3 dated 28.8.97, by which the applicant was informed that his case is not covered within the quota prescribed for compassionate appointment. It is stated that the object of compassionate appointment is to give relief to the family of the deceased and any delay in appointment to the dependents of the deceased employee is frustrating the main object. It is stated that the applicant fulfills all the qualifications for appointment, therefore, he can be appointed on compassionate grounds against 5% vacancies of Group-C and D posts but the applicant has not been appointed so far. Therefore, this case has been filed by the applicant for the relief as above.

3. Reply was filed. In the reply it is stated that the case of the applicant was thoroughly examined but the same was not covered under the rules governing the appointment on compassionate grounds. Therefore, the applicant was informed accordingly. It is further stated that compassionate appointment can be made under the rules maximum of 5% of the vacancies falling under direct recruit quota in any Group-C and D posts and the competent authority is bound to follow the statutory provisions. The case of the applicant was not finding place in the framework of these rules. Therefore, the applicant was communicated accordingly and he has no case for interference by this Tribunal and the OA is devoid of any merit and is liable to be dismissed.

4. Heard the learned counsel for the parties and also perused the whole record.

5. Admittedly, father of the applicant died on 16.1.95 leaving behind him three sons and one daughter. It is also undisputed fact that the applicant filed an application to the respondent department for giving him appointment on compassionate grounds but his application was rejected on the ground that his case is not covered within the quota prescribed for appointment on compassionate grounds. The department was under an obligation to prepare a list of such candidates on the basis of first come first serve or any other criteria laid down for this purpose but in this case the prayer of the applicant was outrightly rejected by the respondent department on the ground that his case is not

covered under 5% of quota for giving appointments on compassionate grounds. Therefore, it will be just and proper for the respondent department to enter the name of the applicant in the list of such candidates who are waiting for appointment on compassionate grounds against 5% quota.

6. We, therefore, dispose of this OA with a direction to the respondents to enter the name of the applicant in the waiting list and consider his candidature for appointment on compassionate grounds as and when his turn comes. No order as to costs.

(A.P.NAGRATH)
(A.P.NAGRATH)

MEMBER (A)

(S.K.AGARWAL)
(S.K.AGARWAL)

MEMBER (J)