

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.227/2001 Date of order: 11.12.2001

Sunil Kumar Pacherwal, S/o late Sh.Gauri Snankar
Pacherwal, R/o Nanargarh Kile ke Neeche, Harijan
Basti, Jaipur.

...Applicant.

Vs.

1. Union of India through Comptroller & Auditor General
10 Bhadur Shah Marg, New Delhi.
2. Indian Audit & Accounts Deptt, Accountant General
(A&E) Rajasthan, Jaipur.
3. Dy.Accountant General (Admn), Indian Audit &
Accounts Deptt, Rajasthan, Jaipur.

...Respondents.

Mr.Vinod Goyal-proxy of Mr.Virendra Lodha- Counsel applicant
Mr.P.C.Sharma, Proxy of Mr.Sanjay Pareek- for respondents.

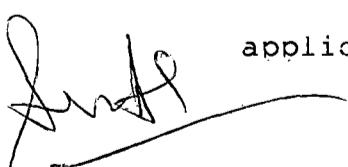
CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

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

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer to direct the respondents to consider the case of the applicant for appointment on compassionate grounds under any Group-D post.

2. The case of the applicant is that his father after putting in more than 32 years of service with the respondents' department died on 25.1.94 leaving behind him his widow and six children. It is stated that the applicant was called for interview and he appeared but he was told that there is no post vacant therefore he was not appointed on compassionate ground. It is further stated that the applicant was informed vide letter dated 1.5.2001 that on



account of nonavailability of vacancy in this quota, it is not possible to give him appointment. Later on vide impugned order dated 8.5.2001 the applicant was informed that he was not found suitable therefore, it is not possible to appoint him on compassionate grounds in Group-D post. This order is under challenge.

3. Reply was filed. In the reply it is admitted that vide letter dated 1.5.2001 the case of the applicant was rejected due to nonavailability of vacancy in Group-D cadre but vide letter dated 8.5.2001, the respondents' department has appraised the decision to the applicant and communicated to him that he was not found suitable.

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

5. The applicant has also approached this Tribunal in O.A No.22/99 which was disposed of by this Tribunal vide its order dated 1.5.2000. In this order, it was made clear that discrepancy in members of the family is not a ground to reject the candidature of the applicant for appointment on compassionate ground. In the same way this Tribunal has also considered the ground of date of birth of the applicant and held that on the ground of age, the candidature of the applicant cannot be rejected. This order also makes amply clear that family belongs to the backward Scheduled Caste community and being a large family may be in really indigent condition on the death of the head of the family who in any case, was only the bread earner in his family. Therefore, on the ground of indigent circumstances, the case of the applicant should not have been rejected in view of the aforesaid order and the case of the applicant should have been considered on availability of vacancy of the quota

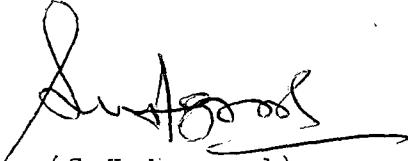


meant for appointment on compassionate grounds whenever his turn comes.

6. There was no reason to reject the candidature of the applicant on the ground that he was not found suitable. The letter dated 1.5.2001 issued by the respondents' department makes it very clear that the applicant was not appointed on compassionate grounds because of nonavailability of vacancy in Group-D cadre meant for appointment on compassionate grounds but later on vide letter dated 8.5.2001, the department issued another letter rejecting the candidature of the applicant on compassionate grounds on the ground that the applicant was not found suitable. I think the letter dated 8.5.2001 appears to have been issued in contradictory to its own letter dated 1.5.2001 and therefore, liable to be quashed.

7. I, therefore, allow this O.A and quash the order dated 8.5.2001 issued by the respondents' department and direct the respondents to consider the case of the applicant for appointment on compassionate grounds as and when vacancy arises in Group-D cadre for appointment on compassionate grounds.

8. No order as to costs.


(S.K. Agarwal)

Member (J).