

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.135/2002

Jabalpur this the 26th day of July, 2004.

C O R A M

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.Madan Mohan, Judicial Member

Mahavir Prasad Mishra
S/o Late Shri Jagdamba Prasad Mishra
R/o Village and Post Budbuda
Tahsil Waraseoni
Dist. Balaghat (MP)

...Applicant

(By advocate Shri S.Akhtor on behalf of
Shri S.D.Khan)

Versus

1. Union of India through
Director General
Geological Survey of India
27 Jawahar Lal Nehru Road
Calcutta 700 016.

2. Deputy Director General
Geological Survey of India
Seminary Hills, Nagpur.

3. Senior Administrative Officer
Geological Survey of India
Central Region, GSI Complex
Seminary Hills, Nagpur.

...Respondents

(By advocate Shri om Namdeo)


O R D E R (Oral)

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks a direction to the respondents to consider his for providing compassionate appointment and further to issue appointment order to him on a suitable post.

2. The brief facts of the case are that the father of the applicant J.P.Mishra who was working in Geological Survey of India as J.T.A. died in harness on 17.1.99.


The applicant moved an application seeking appointment on compassionate ground (Annexure A1). The applicant received a letter from respondents on 25.3.99 and in compliance of the said letter, the applicant sent his particulars.



Again he received another letter dated 10/14.5.99 seeking more information to which the applicant sent further information. The applicant received yet another letter dated 17.6.99 seeking some more details. The applicant complied with the requirement but there was no reply or response from the respondents. Subsequently the applicant met the concerned higher authorities in this regard but still there was no response from the respondents. Applicant filed OA No.1077/2000 which was disposed of with a direction that the case of the applicant be decided within a period of three months (Annexure A14). It is alleged that the respondents, even after lapse of one year, have not complied with the directions of the Tribunal. Hence this OA is filed.

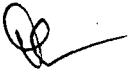
3. Heard the learned counsel for both parties. It is argued on behalf of the applicant that the respondents by not considering ^{the} ~~the~~ case of the applicant for employment under compassionate grounds have disobeyed the directions of the Tribunal and the action of the respondents is violative of Articles 14 & 16 of the Constitution of India. The applicant's family is in great financial difficulty. The respondents have not given any reply or response to the various representations submitted by the applicant seeking employment under compassionate ground.

4. In reply, the learned counsel for the respondents argued that the respondents have complied with the directions given by the Tribunal in OA 1077/2000 and the decision had been conveyed to the applicant through a speaking order well within the specified time. Mere possession of higher educational qualification does not automatically entitle the applicant for appointment on



compassionate ground. The office of respondent No.2 has 77 numbers of applications for appointment on compassionate ground including that of the applicant. As per the recruitment rules, 5% of the vacancies to be filled by direct recruitment are earmarked for such appointment. As per the procedure, the cases of all the applicants will be placed before the Compassionate Appointment Committee for consideration. The last meeting of the Compassionate Appointment Committee was held on 11.6.02. The name of the applicant was placed before the committee for consideration of his claim for appointment on compassionate ground. However, the CAC has not recommended his name. Hence the respondents have not committed any irregularity or illegality and the OA is liable to be dismissed.

5. After hearing the learned counsel for both parties and carefully perusing the records, we find that the respondents have considered the name of the applicant for his appointment on compassionate ground. The last meeting of the Compassionate Appointment Committee was held on 11.6.02 and the name of the applicant was placed before the committee for consideration but due to shortage of vacancies of 5% earmarked for such appointment, the ^{h.c.A.c.} ~~DAO~~ has not recommended the name of the applicant. The contention of the respondents is that 77 numbers of applications for appointment on compassionate ground including that of the applicant were pending and as per the recruitment rules only 5% of the vacancies to be filled by direct recruitment are earmarked for appointment on compassionate ground. His case was considered but his name was not recommended by the Compassionate Appointment Committee.



6. After considering all the facts and circumstances of the case, we are of the opinion that the OA has no merit and accordingly the same is dismissed.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

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पृष्ठांकन सं ओ/न्या.....जयलपुर, दि.....

प सिदिदिपि अमरी दिता:-

(1) सलित, रपत जयलपुर बाय एडमिनिशन्, जयलपुर

(2) आवेदन श्री/श्रीमती/पु.....के काउंसल

(3) प्रत्यक्षी श्री/श्रीमती/पु.....के काउंसल

(4) कंपास, वेस्टअ, जयलपुर जयलपुरीत
संज्ञा एवं आवश्यक कार्यवाही हेतु

16-8-04

उप सजिस्ट्रार

Issued
On 16.8.04
BS