

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

**ORDER SHEET**

**ORDERS OF THE TRIBUNAL**

27.09.2011

OA No. 451/2009

Mr. Vimal Kumar Jain, Counsel for applicant.

Mr. Mukesh Agarwal, Proxy counsel for

Mr. D.C. Sharma, Counsel for respondents.

On the request of the proxy counsel appearing on behalf of the respondents, put up for hearing on 13.10.2011.

*Anil Kumar*

(Anil Kumar)  
Member (A)

*ahq*

*C. 2009*

13-10-2011

Mr. V. K. Jain, Counsel for applicant

Mr. Mukesh Agarwal, Proxy Counsel for

Mr. D.C. Sharma, Counsel for respondents

Heard. The OA is disposed of by a  
separate order.

*Anil Kumar*

(Anil Kumar)  
M (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH,  
JAIPUR.

*Jaipur, the 13<sup>th</sup> day of October, 2011*

**ORIGINAL APPLICATION No. 451/2009**

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISTRATIVE MEMBER

Ashok Kumar Prajapat son of Late Shri Chanda Lal aged about 25 years, resident of Village and Post Beelwa, Tehsil Sanganer, District Jaipur.

... Applicant

(By Advocate : Mr. V.K. Jain)

Versus

1. Union of India through the Director General, Geological Survey of India, 27, J.L. Nehru Road, Kolkatta.
2. The Director (ME) (SG), M.M. Division, Geological Survey of India, Western Region, Jhalana Doongri, Jaipur.

... Respondents

(By Advocate : Mr. Mukesh Agarwal proxy to Mr. D.C. Sharma)

**ORDER (ORAL)**

The present OA has been filed by the applicant seeking for the following reliefs-

"(i) That the entire record relating to the case be called for and after perusing the same the impugned order/letter dated 7.8.2009 be quashed and respondents may be directed to reconsider the case of the applicant and to give him appointment on any suitable post on compassionate ground.

(ii) Any other relief which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case be granted in favour of humble applicant.

2. Brief facts of the case are that father of the applicant, who was an employee of the respondents, expired on

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01.01.2006. Upon the death of his father, applicant's mother submitted an application on 30.01.2006 to the respondents for grant of appointment on compassionate ground to the applicant on a suitable post. The applicant is 8th Class Pass. The applicant's mother again submitted a letter alongwith duly filled prescribed proforma for compassionate appointment on 07.08.2006. The respondents vide letter dated 21.09.2006 asked the applicant's mother to furnish information in respect of the family and property. The mother of the applicant submitted all requisite information to the respondents vide letter date 03.10.2006. However, the case of the applicant was not considered for appointment on compassionate grounds and no information in this respect was furnished to the applicant. The applicant's mother submitted a letter dated 06.07.2009 to the respondents asking about the consideration of compassionate appointment. The respondents vide letter dated 07.08.2009 informed that the case for compassionate appointment cannot be considered being time barred as per DOPT OM dated 05.05.2003. The applicant also submitted that as his case for appointment on compassionate was not considered by the respondents in first year and second year and no information in this regard was furnished to the applicant, therefore, as per DOPT OM dated 05.05.2003, the condition for maximum 3 years for consideration of appointment on compassionate ground is not applicable in his case. The applicant has prayed that the respondents may be directed to consider his case and go give him appointment on any suitable post on compassionate grounds.

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3. The respondents have filed their reply. They have admitted that applicant initially applied for compassionate appointment vide his application dated 30.01.2006. The applicant submitted the information in Proforma Part-I as required by the office of the respondents on 07.08.2006 but the complete information was received on 19.04.2007. His case for compassionate appointment was placed before CAC which met on 23.10.2007 for consideration. The CAC considered the case of the applicant (Shri Ashok Kumar Prajapat) and recommended for compassionate appointment in any Group 'D' post as & when vacancies arise but no vacancy was available till date. Copy of the CAC has been enclosed as Annexure R/1. That the provisions of OM dated 05.05.2003 of the DOPT dated 05.05.2003 are applicable in this case and hence the reply sent to the mother of the applicant vide letter dated 07.08.2009 (Annexure A/1) is based on the facts and circumstances of the case and, therefore, the OA has no merit and it may be dismissed.

4. Heard the learned counsel for the parties and perused the documents on record. From the perusal of the minutes of the meeting of compassionate appointment committee of Western Region, GSI, Jaipur held on 23.01.2007 (Annexure R/1), it is clear that the case of the applicant was considered at sr. no. 15 and the committee came to the conclusion that in view of liability of one unmarried minor daughter and no other source of income, the financial condition of the family can be considered as penurious. However, no vacancy exists for the period ending 01.10.2007. Therefore, the committee

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recommended that the case can be considered for compassionate appointment for Group 'D' post as & whenever vacancies arise.

5. Learned counsel for the applicant argued that the CAC in its meeting held on 22.02.2011 had recommended the case of Shri Mahendra Kumar Meena son of Late Shri Brij Mohan Meena, whose father died on 13.07.2006 and similarly committee also recommended the case of one Shri Sita Ram son of Late Shri Bhagwan Lal, whose father expired on 27.11.2007. Therefore, his case should also be similarly recommended but in his case the committee has taken a view that since the case is more than 3 years old and, therefore, as per DOPT OM No. 14014/19/2002-Estt.-(D) dated 05.05.2003, the case of the applicant is time barred for consideration for compassionate appointment.

6. Learned counsel for the respondents argued that in case recommendations in the case of S/Shri Mahendra Kumar Meena and Sita Ram have been wrongly recommended by the CAC, that does not give any right to the applicant that his case should also be considered. He further stated at Bar that no appointment has been given either to Shri Mahendra Kumar Meena or to Shri Sita Ram even after recommendation of the CAC. He further stated that there is no vacancy even today and none of the applicants recommended by the CAC in its meeting held on 22.02.2011 have been given appointment on compassionate grounds. He further argued that it is well settled law that no body can claim appointment on compassionate

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grounds as a matter of right. The case of the applicant is time barred as per DOPT OM NO. 14014/19/2002-Estt.- (D) dated 05.05.2003.

8. Having considered the rival submissions of the parties and after perusing the documents on file, I am of the opinion that no injustice has been done with the applicant as his case was first considered by the committee for appointment on compassionate grounds in its meeting held on 23.10.2007 and his case was recommended for appointment on compassionate grounds treating his financial condition of the applicant to be penurious but since there was no vacancy, therefore, the applicant could not be given any appointment. Similarly, the CAC considered the case of the applicant in its meeting held on 22.02.2011 but treated as case as time barred as per DOPT OM No. 14014/19/2002-Estt.- (D) dated 05.05.2003. Learned counsel for the respondents stated that at Bar that there is no vacancy and even the persons recommended by the CAC in its meeting held on 22.02.2011 have not been provided any employment. Thus in my opinion, the applicant has not been able to make out any case for interference by this Tribunal.

9. The OA has no merit and it hereby dismissed with no order as to costs.

*Anil Kumar*  
(ANIL KUMAR)  
MEMBER (A)

*ahq*