

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 650/2013

Date of Order: 12.7.2016

CORAM

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Nand Singh S/o Late Shri Jagdish Singh, aged about 39 years, at present resident of C/o N.S. Panwar, Plot No.43, Sunny Nagar, Kumbha Marg, Pratap Nagar, Sanganer, Jaipur, Rajasthan.

.....Applicant

(By Advocate Mr. Ashrabh Sharma,
Proxy counsel for Mr. Praveen Balvada)

VERSUS

1.Kendriya Vidyalaya Sangthan, through its Commissioner, Office of the Kendriya Vidyalaya Sangthan(Headquarter), New Delhi.


2.The Joint Commissioner, Kendriya Vidyalaya Sangthan (Headquarter), New Delhi.

3.The Deputy Commissioner, Kendriya Vidyalaya Sangthan (Regional Office), 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur-302015, Rajasthan.

.....Respondents

(By Advocate Mr. V.D.Sharma)

ORDER

 This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 being aggrieved with the respondents for not granting him compassionate appointment and has sought the following reliefs:-

8.(a) by an appropriate order or direction the respondent may kindly be ordered to consider the application of the humble applicant for appointment on compassionate ground and accordingly looking to his

pecuniary conditions he may be ordered to be appointed on a suitable post commensurate to his qualification.

(b) Any other relief as the Hon'ble Tribunal may deem just and proper under the circumstances may be granted in favour of the applicant.

When the case came up for hearing, Ld. counsel for the applicant submitted that vide order dated 16.08.2012 in earlier OA No.538/2012 (Ann.A/9), directions were given "to consider and decide the legal notice for demand of justice dated 14.05.2012 (Ann.A/8) by passing a reasoned and speaking order expeditiously but in any case not later than the period of 3 months from the date of receipt of the copy of this order." He further submitted that as informed vide letter dated 04.10.2012 (enclosed with Ann.A/9), Committee constituted to consider appointment on compassionate grounds considered the applicant's case for compassionate appointment but as per parameters adopted by the said committee the applicant was not placed in the cut off list and hence could not be short listed for offer of appointment under the scheme of compassionate appointment. Counsel for the applicant contended that actually the applicant comes from poor family and his case deserves to be considered for compassionate appointment.

2. Per contra, counsel for respondents with reference to the reply, submitted that the applicant has sought appointment to Group-D post, and in the KVS no recruitment to the post of Group-D from 2000 to 2010 was being made as several works being done by Group D employee earlier i.e. security, cleaning, gardening etc. are being outsourced and the consequential vacancies against this have to be surrendered. Later KVS has restored the said post of Group-D (now as sub-staff) in the year 2011. Hence the Compassionate Appointment Committee considered the case of petitioner along with such other

cases for appointment on compassionate grounds, allocated points based on various attributes of hundred points scale as indicated in Govt. of India, Ministry of Communication and IT (Deptt. Of Post) circular No.37-36/2004-SPB-I/C dated 20.01.2010. As per the parameters adopted by the said committee the petitioner was not placed in the cut off list and hence could not be shortlisted for offer of appointment under the scheme of compassionate appointment as sub-staff.

3. Counsel for respondents further referred to para 4.13 of the reply wherein it has been stated that the case of the applicant along with other such cases will be placed again before the Compassionate Appointment Committee constituted for this purpose in its next meeting and the outcome will be intimated to the applicant in due course. He further referred to para 4.16-17 and stated that the case of the applicant Shri Nand Singh along with 200 other such cases was considered in the meeting of CAC held on 24.01.2013 and the request of Shri Nand Singh for appointment on compassionate grounds could not acceded to again in terms of the circular dated 20.01.2010 of Ministry of Communication and IT (Department of Post). The same has also intimated to him through the Deputy Commissioner, KVS, RO, Jaipur vide this office letter No.F.11041/17/2013-KVSHQ/Estt-III dated 22.05.2013.

4. In view of the above position that the case of the applicant has already been considered twice by the Compassionate Appointment Committee and not acceded to in view of the parameters laid down in the Govt. of India, Ministry of Communication and IT (Deptt. Of Post) circular No.37-36/2004-SPB-I/C dated 20.01.2010 and the applicant is claiming that his condition is poor and he is deserving for

compassionate appointment, it is proposed to dispose of this OA with certain directions.

i) Respondents are directed to inform the applicant about the points allocated to him when his case came up for consideration before the Compassionate Appointment Committee (CAC) in its meeting held in 2012 and 2013.

ii) This information may be provided to the applicant within a period of two months from the date of receipt of copy of this order.

iii) If the applicant is aggrieved by the points allocated to him then he may approach the appropriate forum as per law.

iv) Further, if as per the scheme of the compassionate appointments the case of the applicant can be considered again, then respondents are directed to reconsider his case as per rules.

5. The OA is disposed of with the aforesaid directions with no order as to costs.



(MS.MEENAKSHI HOOJA)
Administrative Member

Adm/