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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**ORIGINAL APPLICATION NO.060/01050/2014
Chandigarh, this the 27TH Day of April, 2015**

**CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A).
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J).**

Harinder Singh son of Late Shri Gurdev Singh aged 38 years, R/o Village Sangatpura, Tehsil Kharar, District S.A.S. Nagar, Punjab.

...APPLICANT

VERSUS

- 1. Union of India through the Secretary, Government of India, Ministry of Foreign Affairs, New Delhi.
- 2. Joint Secretary (PSP) & Chief Passport Officer, Ministry of External Affairs Patiala House Annexe, Tilak Marg, New Delhi.
- 3. Regional Passport Officer, Govt. of India, Ministry of External Affairs, Regional Passport Office, SCO 28-32, Sector 34-A, Chandigarh.

...RESPONDENTS

Present: Sh. V.K. Sharma, counsel for the applicant.
Sh. Sanjay Goyal, counsel for the respondents.

ORDER

BY HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:

"8(1) Quash the order dated 09.10.2014 as conveyed to the applicant vide letter dated 16.10.2014 (Annexure A-1) vide which the claim of the applicant has been rejected on the ground that same is not tenable in view of instructions dated 30.05.2013 of DoPT as per which married son is not considered dependent on a government servant for compassionate appointment, which is illegal and arbitrary as case of the applicant is to be considered as per instructions prevalent prior to 30.05.2013 and instructions cannot be applied retrospectively.

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(2) Issue direction to the respondents to consider the case of the applicant for appointment on compassionate ground with due application of mind as per instructions available prior to 30.05.2013 as claim of applicant is to be considered as per those instructions and not by instructions dated 30.05.2013 by applying the same retrospectively, as the entire family was dependent upon the deceased employee and offer him appointment on compassionate grounds so that family may be able to pull on, with a fixed time frame."

2. Averment has been made in the O.A. that father of the

applicant one Sh. Gurdev Singh, who was working as Assistant Passport Officer in the office of respondents died on 08.11.2011 leaving behind his widow and two sons. The applicant, who was the son of the deceased employee, submitted application for appointment on compassionate grounds which was duly forwarded vide letter dated 22.12.2011 (Annexure A-3) to the competent authority. Although the application was strongly recommended for grant of appointment on compassionate grounds as the applicant was qualified to hold the post of Group 'C' i.e. LDC in the organization, the respondents rejected claim of the applicant vide letter dated 09.10.2014 (Annexure A-1) on the ground that as per DoPT guidelines dated 30.05.2013, married son is not considered dependent on a government servant and hence ineligible for appointment on compassionate grounds. Hence this O.A.

3. In the written statement filed on behalf of the respondents reference has been made to DoPT guidelines dated 30.3.2013 (Annexure

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A-6), wherein it had been clarified that married son cannot be considered dependent on govt. employee.

4. When the matter came up for consideration today, learned counsel for the respondents fairly submitted that the claim of the applicant could be referred for reconsideration to the respondent Department in view of the recent judgment of the jurisdictional High Court in **Satgur Singh vs. State of Punjab**, 2013 (3) SCT 629.

5. It is observed that we have recently decided a similar matter through order dated 09.04.2015 O.A. No. 060/00395/2014 **Sandeep Singh vs. UOI & Anr.** Hence this O.A. is disposed of with direction to the respondents to reconsider the claim of the applicant on merits for appointment on compassionate grounds, ignoring the aspect of his being married on the date when the application for such appointment, was filed by him. Such reconsideration may be completed within a period of three months from the date of a certified copy of this order being served upon the respondents. No costs.

B. A. Agarwal

(DR. BRAHM A. AGRAWAL)
MEMBER (J)

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(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh.

Dated: 27.4.2015

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