

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

Order reserved on: 28.04.2015

**ORIGINAL APPLICATION NO. 060/00772/2014**  
Chandigarh, this the 30<sup>th</sup> day of April, 2015

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

1. Vijay Kumar (aged 22 years) son of late Smt. Ram Kali and late Shri Jagminder son of Jogi Ram, resident of H. No. 523, Housing Board Colony, Sirsa Road, Hisar.
2. Ajay (Aged 24 years) son of late Smt. Ram Kali and late Shri Jagminder son of Jogi Ram, resident of H. No. 523, Housing Board Colony, Sirsa Road, Hisar.
3. Ravi (aged 26 years) son of late Smt. Ram Kali and late Sh. Jagminder son of Jogi. Ram, resident of H. No. 523, Housing Board Colony, Sirsa Road, Hisar.

...APPLICANTS

BY ADVOCATE: SHRI N.R. DAHIA

VERSUS

1. Union of India through Secretary, Ministry of Agriculture, Krishi Bhawan, New Delhi.
2. Indian Council of Agricultural Research through its Secretary, Krishi Bhawan, New Delhi.

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3. National Research Centre on Equines, through its Director,  
Sirsa Road, Hisar, Haryana.

...RESPONDENTS

BY ADVOCATE: SHRI R.K. SHARMA

ORDER

**HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-**

The applicant no. 1 through the instant O.A. seeks compassionate appointment. The mother of the applicants, Smt. Ram Kali, died in harness on 08.08.2012, while working as a skilled Supporting Staff in the NRCE (respondent no.3). Their father had earlier expired on 11.05.2003, while working as a Supporting Staff Grade-I in the NRCE.

2. We have heard the learned counsel for the parties, perused the pleadings and given our thoughtful consideration to the matter.

3. The impugned communication dated 06.10.2012 (Annexure A-6) reads as under:

"Subject: Appointment on compassionate ground.

Mahodaya.

With reference to your letter dated 16.08.2012 on the above subject, it is to inform you that your application for the compassionate appointment in this centre was considered

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sympathetically, but there being no post vacant under this quota in this centre, you cannot be appointed under this quota. Therefore at this stage it is not possible to appoint you on any post."

4. The second impugned communication dated 20.09.2013 (Annexure A-9) is a reply to the applicants' legal notice dated 15.07.2013 (Annexure A-7). As the legal notice is a conglomerate of different matters, so is its reply. As regards the claim for compassionate appointment, Annexure A-9 reads as under:

"That the contents of para no. 3 of the notice in question are wrong, incorrect and specifically denied to say that they are now orphans and there is nobody to look after them. In fact both your clients are major and educated and fully capable to maintain themselves by doing any work. The plea taken by your clients that nobody to look after them is not relevant and also not helpful to them. ... Admittedly as per the existing policy dated 16.1.2013 (F.No. 14014/02/2012-Estt.(D), 5% vacancies are reserved in such type of cases and appointment on compassionate ground should be made on regular basis provided the vacancies for such purposes are available."

5. Thus, the main reason for declining compassionate appointment is non-availability of vacancies for the purpose. This position is sought to be controverted by the applicants' counsel by referring to the recruitment advertisement at Annexure A-13. But, the said advertisement belongs to the Indian Veterinary Research Institute, Izatnagar, U.P., whereas the matter here relates to the

respondent no. 3, NRCE, Hisar, Haryana. Thus the said reference is meaningless.

6. In the light of the above, we are of the view that the O.A. is devoid of merits. The O.A. is, therefore, dismissed. No order as to costs.

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

**(RAJWANT SANDHU)  
MEMBER(A)**

**Dated: 30 .04.2015**  
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