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**CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH,
CHANDIGARH.**

O.A.No.060/00804/2014

Date of Decision : 17.03.2015

**CORAM: HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER
HON'BLE DR. BRAHM A. AGRAWAL, JUDICIAL MEMBER**

Tejpal son of late Sh. Joginder Singh, resident of Village Janesro, Tehsil Indri, District Karnal.

Applicant

Versus

1. Union of India through the Secretary, Ministry of Agriculture, Krishi Bhawan, New Delhi.
2. The Director, National Diary Research Institute, Karnal.
3. Joint Director / Admn. National Diary Research Institute, Karnal.
4. Senior Admn. Officer, National Diary Research Institute, Karnal.

Respondents

Present: None for the applicant

Mr. R.K. Sharma, counsel for the respondents

O R D E R
HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking quashing of the impugned order dated 19.04.2014 whereby the claim of the applicant for appointment on compassionate grounds was rejected.
2. It has been stated in the OA that the father of the applicant, late Sh. Joginder Singh, who was working as Technician-4, Experimental

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Diary at NDRI Karnal expired on 01.08.2013. The applicant submitted his application for appointment on compassionate grounds but the same had been rejected through the impugned order dated 19.04.2014 (Annexure A-5).

3. In the grounds for relief, it has been claimed that as per the guidelines of DOPT, there is no restriction for consideration of the case of the applicant on yearly basis. As per para 7 of the circular regarding appointment on compassionate grounds issued on 09.10.1998 such appointment is to be made against regular vacancy and even if vacancy was not available in one zone, appointment could be considered in some other Department of the Ministry. It has further been stated that the application of the applicant for appointment on compassionate ground is genuine as he is unemployed and in great need of the job.

4. In the written statement filed on behalf of the respondents, it has been stated that late Sh. Joginder Singh, Ex.Tech. T-4, father of the applicant, expired on 01.08.2013 and the deceased family had submitted an application in the prescribed format for compassionate appointment on 07.10.2013. The case of the applicant was placed before the Compassionate Appointment Committee (CAC) that met on 10/11.03.2014 for consideration. The Committee considered the case with reference to the instructions of the Government of India contained in OM No.14014/6/94-Estt.(D), dated 09.10.1998 of the Ministry of Personnel, Public Grievances and Pension (Department of Personnel & Training) and

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OM No.14014/23/99(D) dated 03.12.1999 (Annexure R-1) wherein it is directed that request for appointment on compassionate grounds should take into account the position / economic status as well as liabilities left behind by the deceased. Recommendation for appointment on compassionate grounds by the Compassionate Appointment Committee is to be made only in really deserving cases on need-cum-economic status basis. As per the information provided by the applicant, there is no liability left behind as two children (one female and one male) are married and major, living separately. The applicant is unmarried but he was also major during the life time of deceased employee and Smt. Roshani, wife of the deceased is getting family pension @ Rs.9160 plus Dearness Relief @107% per month to meet her requirement of livelihood after the death of her husband on 01.08.2013.

5. Since the applicant's family also has its own residential house, the applicant is B. Tech and major, the widow of the deceased employee is getting family pension @ Rs.9160 + Dearness Allowance and the family had received pensionary benefits of around Rs.18 lakh at the time of the death of the ex-employee, hence, the respondent Department was of the view that the family of the deceased employee was not indigent and immediate assistance by way of employment on compassionate grounds was not necessary to be provided to the applicant's family. Keeping this in view the order dated 19.04.2014 had been issued rejecting the case of the applicant for appointment on compassionate grounds.

A.S. _____

6. No rejoinder has been filed on behalf of the applicant.
7. When the matter came up for consideration today, none was present to represent the applicant. The applicant has not been represented after 11.09.2014 when the OA filed by the applicant was first taken up for consideration and notice was issued to the respondents. Hence, Rule 15 of the CAT (Procedure) Rules, 1987 is invoked and we proceed to decide the matter.
8. Learned counsel for the respondents reiterated the content of the written statement and asserted that the applicant's family was not facing any kind of financial emergency and hence support by way of appointment on compassionate grounds was not called for in this case.
9. Having perused the material on record, we are satisfied that no interference is called for in this matter as the applicant himself is B.Tech, there is no liability of minor children or unmarried daughters in the family and the family has adequate income and assets to sustain themselves.
10. The OA is therefore rejected.

(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.

(DR. BRAHM A. AGRAWAL)
JUDICIAL MEMBER

Place: Chandigarh
Dated: 17.03.2015
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