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

O.A.No.060/01118/2014 &  
M.A.No.060/00652/2015

Date of Decision : 14.8.2015  
Reserved on: 11.08.2015

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, JUDICIAL MEMBER  
HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER**

Varun Bansal, s/o late Sh. Raj Kumar Bansal, s/o Sh. Nand Kishore Bansal,  
resident of House No.27, Bharat Nagar, Bathinda (Pb.).

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Applicant

Versus

1. Union of India, through Secretary of Human Resource Development under Govt. of India.
2. The Commissioner, KVS (HQRS), 18<sup>th</sup> Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
3. Deputy Commissioner, KVS (RO), Sector 31/A, SCO 72-73, Chandigarh.

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Respondents

Present: Applicant in person  
Mr. R.K.Sharma, counsel for the respondents

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

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

- "8 (i) Directing the respondents to appoint the applicant as UDC, LDC on compassionate ground.
- (ii) Directing the respondents to exempt the typing test to the applicant for the said posts as per para 6B (C) of GOI Department of P&T OM No.14014/02/2012-Estt.(D), dated 16.01.2013.
- (iii) Consider the applicant's higher qualification (MBA) and to direct the respondents to appoint the applicant in a suitable post

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(TGT/PRT/Librarian), the qualification for teacher post i.e. B.Ed. and JBT / B.Lib Sci. may be relaxed for him for five years as per para 6B(b) of GOI Department of P&T OM No.14014/02/2012-Estt.(D) dated 16.01.2013.”

2. Averment has been made in the OA that the applicant's mother was working with KV No.1, Bathinda Cantt. w.e.f. 21.08.1993 but unfortunately, she expired on 07.09.2004 due to illness. She served the KVS for 11 years. The applicant's elder brother had applied for a job on compassionate ground's in September, 2004 when the applicant was minor. He later filed a case before the C.A.T. Chandigarh, in 2008. The case was considered by the respondents in the light of GOI Department's OM No.14014/6/94-Estt.(D) dated 09.10.1998 but was rejected on the basis of GOI Department of P&T OM No.14014/19/2002-Estt.(D) dated 05.05.2003 citing that 03 years time limit for considering the appointment on compassionate grounds had lapsed. Vide GOI Department of P&T OM No.14014/03/2011-Estt(D), dated 26.07.2012 (Annexure A-1), the Department of P&T OM No.14014/19/2002-Estt.(D), dated 05.05.2003 was withdrawn. As per the OM dated 26.07.2012 the case for compassionate appointment can be considered even after three years. The applicant's elder brother has applied on prescribed proforma for job on compassionate grounds for the post of Group 'C' on 22.09.2014 (Annexure A-2). But the respondents have not considered his case even after one month. A reminder was also sent by him on 01.11.2014 (Annexure A-3). Thereafter, he filed complaint online on GOI website P Portal (Annexure A-4). Respondent no.2 had stated that they have not received any application from Arun Bansal (Applicant's elder brother) (Annexure A-4) while the

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applicant has proof of sending the application to the respondents in the form of Post Office receipts of Registered post and a Speed Post letter (Annexure A-5). Now, the applicant is also eligible to the post of Group 'C' (UDC, LDC). Copies of applicant's educational qualifications certificates are annexed as Annexure A-6. The applicant is Post Graduate so he requests to direct the respondents to appoint the applicant in a suitable post (TGT / PRT / Librarian). The qualification for teacher's post i.e. B.Ed. and JBT / B. Lib Sci. may be relaxed for him for 05 years as per para 6B(b) of GOI Department of P&T OM No.14014/02/2012-Estt.(D), dated 16.01.2013 (Annexure A-7).

3. In the grounds for relief, it has been stated that whatever death benefits were given to the applicant's family after the death of both his parents have been exhausted. The applicant's family pension will be stopped when he completes the age of 25 years and the family would face great hardship due to not having any earning member in the family after the untimely death of both bread winners (parents of the applicant).

4. Written statement was initially filed on behalf of the respondents in February, 2015 and rejoinder was filed on behalf of the applicant. Later, the counter to the affidavit of the applicant was filed on 26.05.2015 by way of affidavit of Sh. J.M. Rawat, Deputy Commissioner, KVS, RO, Chandigarh, stating that the present OA on behalf of Sh. Varun Bansal is not maintainable as he never applied for the post on compassionate grounds. When mother of Varun Bansal expired, at that time he was minor. His elder brother Mr. Arun Bansal had applied

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● for appointment on compassionate ground on 21.09.2004. Decision of Competent Authority (letter no.F.23-7/2007/KVS (Estt.-II) dated 09/20.08.2007) is annexed as Annexure 3. He had filed OA No.438/PB/2008 before the C.A.T. and the decision of C.A.T. rejecting the OA is annexed as Annexure R-4. His application dated 29.09.2014 regarding appointment on compassionate grounds for the post of Group 'C' (Librarian) has been forwarded by KVS (RO) Chandigarh vide letter No.F.Compassionate Ground/KVS/R(RO)/CHD/2014/10249-10250, dated 11/12.12.2014 (Annexure 5). Information required by KVS (HQ) has been submitted vide letter dated 23/4.02.2015 (Annexure 6). All the formalities are to be completed before putting up case to the Compassionate Appointment Committee. The present OA is premature in as much as meeting of the Compassionate Appointment Committee after 04.09.2014 has not been held and case of the applicant and others would be considered in accordance with the instructions and the rules as and when the Committee meets.

5. MA No.060/00652/2015 has been filed alleging that the respondents had concealed the facts in the matter and filed false affidavit.

6. When the matter came up for consideration on 11.03.2015, Sh. R.K.Sharma, learned counsel for the respondents fairly stated that the case of the applicant for appointment on compassionate grounds could be considered along with others provided the brothers Sh. Arun Bansal and Sh. Varun Bansal clarify to the KVS as to who should be considered for appointment on

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● compassionate grounds. He stated that the meeting of the Committee to consider cases for appointment on compassionate grounds was likely to be held within the next 2-3 months and the claim of the applicant / his brother for such appointment would be considered at that time.

7. Keeping in view the submissions made by learned counsel for the respondents, this OA is disposed of with direction to the applicant to file an affidavit along with his brother within 15 days before respondent no.3 clarifying as to which brother's case should be considered for compassionate appointment. If such affidavit is filed, the respondents are directed to consider the case of the applicant / his brother for appointment on compassionate grounds in accordance with policy / rules within a period of four months from the date of receipt of a certified copy of this order being served upon the respondents. M.A.No.060/00652/2015 is also disposed of. No costs.

(RAJWANT SANDHU)  
ADMINISTRATIVE MEMBER

(SANJEEV KAUSHIK)  
JUDICIAL MEMBER

Place: Chandigarh  
Dated: 14.8.2015

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