

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA. No. 060/00701/2014

Chandigarh, This day of 12th March, 2015

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

Ankit Puri, S/o Late Sh. Dinesh Kumar Puri, resident of House No. 2184, Sector 41-C, Chandigarh.

..... Applicant

Versus

1. Comptroller and Auditor General of India, 9 Deen Dayal Upadhyay Marg, New Delhi – 110 0124.
2. Principal Accountant General (A&E), Haryana, Lekha Bhawan, Plot Nos. 4 & 5, Sector 33-B, Chandigarh-160020

..... Respondent

Present: Sh. R.K. Sharma, counsel for the applicant.
Sh. Barjesh Mittal, counsel for the respdts.

ORDER

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

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


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- “(i) Quash Order No. 536-Staff (Appointment-II)/81-2011/Vol.II dated 25.03.2013 (Annexure A-1) qua applicant whereby case of the applicant and others has been returned by Respondent No. 1 to Respondent No. 2 on the ground that spouses of the deceased Government servants are employed in Government organizations and that these cases do not meet the basic criteria of financial destitution. Though nothing has been intimated to the applicant, yet applicant has procured copy of the aforesaid letter through his own sources and after that he submitted representation to the respondents in the month of April, 2013 to consider his claim keeping in view financial position of his family and the same is pending with the respondents.
- (ii) Issue directions to the respondents to re-consider the case of the applicant and to grant compassionate engagement as Clerk in the office of respondent No. 2.”

2. It has been stated in the OA that the father of the applicant late Sh. Dinesh Kumar Puri was working as Senior Accountant in the office of Respondent No. 2 when he met with an accident on 04.05.2012 and died on 17.07.2012 leaving behind the applicant, his mother and grand-mother. The applicant applied for compassionate appointment in the office of respondent No. 2 in view of the Compassionate appointment Scheme framed by the Government of India, Department of Personnel and Training issued vide OM No. 14014/6/94-Estt.(D) dated 09.10.1998

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(Annexure A-2). The Screening Committee in the office of respondent No. 2 considered the claim of the applicant alongwith others for compassionate appointment to the post of Clerk in its meeting held on 22.2.2013. Pursuant to the proceedings of the meeting of the Screening Committee dated 22.2.2013 (Annexure A-5), respondent No. 2 forwarded the cases of four persons including the applicant for compassionate appointment vide letter dated 27.2.2013. The applicant however learnt that his case had been turned down by respondent No. 1 vide letter dated 25.3.2013 (Annexure A-1) sent to respondent No. 2. However, nothing was communicated to the applicant in this regard.

3. In the grounds for relief, it has been stated that the object of the policy for compassionate appointment is to relieve the family from immediate financial distress while it is on the record of the respondents that after the death of father of applicant, family is facing financial hardship. It has also been stated that the applicant has been treated in a discriminatory manner as in a similarly circumstanced case, one Ms. Meenakshi Bhagat was appointed on compassionate grounds. Hence this OA. 

4. In the written statement filed on behalf of the respondents, it has been stated that the case of the applicant was not found deserving by the Dy. CAG due to non-fulfilling the criteria of financial destitution vide letter No. 536-Staff (Appt.II)/81/2011/Vol.II dated 25.03.2013 (Annexure A-1). The applicant's mother Smt. Anita Puri was informed accordingly vide respondent No. 2 letter No. Admn. I/Comp.Aptt/13-14/108-11 dated 08.04.2013 (Annexure R-2). Since the family had been informed regarding the rejection of the case for appointment on compassionate grounds vide letter dated 08.04.2013, the present OA filed more than one year later on 14.8.2013 was barred by limitation. It has further been stated that the details of assets and liabilities of the family are as follows:-

- (i) Mother of the applicant is a Haryana Government Employee working as Sr. Scale Stenographer in Technical Education, Haryana and getting gross salary of Rs. 35431/- (as on December, 2012).
- (ii) The family has a 6 Marla HUDA plot in Sector 26, Panchkula which is under construction.
- (iii) The family is getting monthly pension of Rs. 9475/- + 100% DA (applicable from time to time) = Approximately Rs. 19,000/- per month.

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- (iv) The applicant Ankit Puri is studying B. Tech (or completed by now) and the half yearly fees of which was approximately Rs. 45,500/- including transportation.
- (v) Apart from the above, the family has received total amount of approximately Rs. 14.75 lakh as benefits on the death of Sh. Dinesh Kumar Puri and there is no liability on the family of the deceased.

5. Regarding the case of Ms. Meenakshi, it has been stated that the office of AG (Audit) Punjab and the office of answering respondent No. 2, AG (A&E) are two distinct offices having different functions, cadres, administrative machineries and different appointing authorities although both are under the overall control of respondent No. 1. The applicant cannot claim negative equity as in the present case, the family is not at all under indigent circumstances deserving any immediate assistance for relief.

6. Rejoinder has been filed on behalf of the applicant reiterating the content of the OA and pressing that the family had to incur expenditure on the semester fee of the applicant who is studying in B. Tech, medicines for the grand-mother of the applicant and paying for the construction of the house on the plot belonging to them for which also the basic price has been

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enhanced, and the same was met through loans obtained from the relatives.

7. Arguments advanced by the learned counsel for the parties were heard when learned counsel reiterated the content of the OA, rejoinder and the written statement respectively.

8. We have carefully considered the matter. From the material on record, it is evident that the family of the applicant is not in a situation where immediate financial assistance is required by way of appointment on compassionate grounds for the applicant since the mother of the applicant is employed and the family has reasonable resources for its needs. The applicant himself is studying in B. Tech and he should be completing his education so that he could get a better job rather than aspiring for appointment as Clerk on compassionate grounds.

9. With the above observations, the OA is rejected. No costs.

us —

(RAJWANT SANDHU)
MEMBER(A)

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

Dated: 12.03.2015
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