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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

ORIGINAL APPLICATION NO.060/00625/2014
Order Reserved on 11.05.2015
Pronounced on 15.5.2015

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

Het Ram son of late Sohan Lal aged 25 years, R/o VPO Gobindgarh, Tehsil Abohar, Distt. Ferozepur.

**...APPLICANT
VERSUS**

1. Union of India the Secretary to Government of India, Ministry of Defence, New Delhi.
2. Engineer in Chief, Army H.Q., Kashmir House, New Delhi.
3. Chief Engineer, Bathinda Zone, Bathinda Military Station, Bathinda.

...RESPONDENTS

Present: Sh. Barjesh Mittal, proxy for Sh. Jagdeep Jaswal, counsel for the applicant.
Sh. Ram Lal Gupta, 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 quashing of order dated 09.05.2014 (A-1) and 13.05.2014 (A-2) vide which the case of the applicant for employment/appointment on compassionate grounds has been rejected
2. Averment has been made in the O.A. that father of the applicant was working as Electrician in the office of respondent no.3. He died while in service on 24.12.2009, leaving behind his widow, unmarried

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son and daughter and his mother. The applicant filed representation seeking appointment on compassionate grounds (Annexure A-4), which was rejected vide order dated 06.08.2011 (Annexure A-5). The applicant then filed O.A. No.151/PB/2013 against this order dated 06.08.2011, which was allowed vide order dated 28.05.2011 directing the respondents to consider the case of the applicant afresh (Annexure A-6). Thereafter, the case of the applicant had been considered again and rejected vide order dated 09.05.2014 (Annexure A-1) and order dated 13.05.2014 (A-2).

3. In the grounds for relief it has been that aspects such as amount of terminal benefits released to the family of the deceased employee could not be taken into account while rejecting case of the applicant for appointment on compassionate grounds. Reference has been made to the judgments dated 01.03.2013 of Hon'ble Kolkata High Court in the case of Renuka Mondal & Anr Vs. UOI (W.P.C.T. No.31 of 2008) and 07.09.2012 of Lucknow Bench of this Tribunal in the case of Gaurav Shukla Vs. UOI.

4. In the written statement filed on behalf of the respondents it has been stated that quota prescribed for appointments on compassionate grounds is only 5% of the total direct recruit vacancies occurring in the year in Group 'C' and 'D' posts. The case of the applicant was considered several times but the same could not be

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recommended as other applicants got more marks than him and speaking orders have been issued as per Annexures R-1, R-2 and R-3. In 2010-11 there were 06 vacancies while 108 persons had applied for appointment on compassionate grounds and rank of Sh. Het Ram was 55. In 2011-12 there were 07 vacancies, 124 applicants and rank of Sh. Het Ram was 55 and in 2012-13 there were 08 vacancies, 57 applicants and rank of Sh. Het Ram was 18. It is further stated that as per E-in-C's Branch letter No.B/22560/Policy/Vol-10/EIC (iv) dated 15.10.2012, the kith/kin of deceased Government employee can apply for compassionate appointment upto 05 years from the date of death of Government servant and his application has to be considered for 03 years i.e. three times when vacancies are released or available. After three considerations in three years if appointment is not possible, he may be issued final speaking order. Accordingly, after 3rd look for compassionate appointment, the case of the applicant has been finally closed.

5. No rejoinder has been filed on behalf of the applicant.
6. When the matter came up for consideration, learned proxy counsel for the applicant sought two day's time to file written arguments which have not been filed.
7. Learned counsel for the respondents stated that case of the applicant had been considered three times by the Board of Officers. Since the number of vacancies available for such appointment was very

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limited and there were many persons in far more difficult circumstances than the applicant, hence the case of the applicant for appointment on compassionate grounds could not be recommended. Learned counsel also stated that the claim for such appointment cannot be kept open indefinitely. The father of the applicant expired in 2008 and since then the family has been sustaining itself and in view of the limited number of vacancies, the respondents could not grant any relief to the applicant.

8. I have carefully considered the pleadings of the parties and arguments advanced by learned counsel. From the material on record, it is clear that adequate consideration had been afforded to the claim of the applicant for appointment on compassionate grounds. Since the appointment can only be made against available vacancies and the case of the applicant could not be recommended for such appointment in the years 2010-11, 2011-12 and 2012-13, his case has rightly been closed by the respondent department. Hence there being no merit in the O.A., the same is rejected.

Ms _____
(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh.
Dated: 15.05.2015.

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