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

O.A.No.060/00617/2014

Date of Decision : 08.01.2015

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

Jagdeep Singh, s/o late Sardar Raghbir Singh, age 29 years, r/o 128, Moti Bagh Colony, Pakhawal Road, Ludhiana.

Applicant

Versus

1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. Chairman, Central Board Direct Taxes, North Block, New Delhi.
3. Chief Commissioner of Income Tax, North West Region, Aaykar Bhawan, Sector 17, Chandigarh.

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Respondents

Present: Mr. D.R. Sharma, counsel for the applicant
Mr. K.K. Thakur, counsel for the respondents

ORDER

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

1. This Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, is directed against the minutes of meeting dated 29.04.2013, 03.05.2013 and 22.07.2013 (Annexure A-1), qua applicant, whereby the claim of the applicant for appointment on compassionate ground has been rejected by the respondents on the ground that on the date of the application, he was aged less than 18 years and the family of the applicant was not under financial stress. In the minutes of meeting it was stated that the

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applicant is working as a daily wager in the same Department, therefore, his claim for appointment on compassionate ground cannot be considered (Annexure A-1). The respondents had not considered the case of the applicant as per the Policy dated 09.10.1998 (Annexure A-2). Therefore, the impugned order (Annexure A-1), qua the applicant is liable to be quashed and set aside. The case of the applicant was closed by the respondents in the year 2007 (Annexure A-3, A-3/A), on the ground of 3 years limit and in the letter the respondents have written that the applicant can be considered for appointment on compassionate ground if the stipulation of 3 years is removed / waived off. After the issuing of OM dated 26.07.2012 the limitation of three years was waived off by the DOPT. Therefore, the action of the respondents rejecting the case of the applicant on the ground that the applicant was under age at the time of application and family of the applicant is not suffering from financial crisis is contrary to the letters dated 09.03.2013 and 20.12.2007 (Annexure A-3 and A-3/A).

2. When the matter came up for consideration today Sh. K.K. Thakur, learned counsel for the respondents placed on record letter F.No.CC/CB-III/CHD/CAT./54/OA-617/2014-15/934, dated 29.12.2014, wherein it has been stated that the name of the applicant has been considered and recommended for appointment as Tax Assistant on compassionate grounds against the vacancies for RY 2013-14. Minutes of the meeting of the Screening Committee for Appointment on Compassionate grounds held on 14.10.2014 to 17.10.2014 have been enclosed with this communication. Learned counsel stated that since

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the respondent Department had decided to appoint the applicant as Tax Assistant on compassionate grounds and appointment order was likely to be issued within 30 days, this OA could be disposed of as having been rendered infructuous.

3. Sh. D.R. Sharma, learned counsel for the applicant did not object to this submission made by the learned counsel for the respondents.

4. Hence taking note of the content of the communication dated 29.12.2014, this OA is disposed of as having been rendered infructuous. No costs.

As per
(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.

B. A. Agrawal
(DR. BRAHM A. AGRAWAL)
JUDICIAL MEMBER

Place: Chandigarh
Dated: 08.01.2015

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