

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

CP No.125/2015 in TA No.57/2013

This the 16th day of November, 2016

Hon'ble Shri Justice Permod Kohli, Chairman
Hon'ble Shri Shekhar Agarwal, Member(A)

Nitin Joon, Age about 24½ Years
S/o Late Shri M S Joon, R/o A-265, Moti Bagh-I
New Delhi-110021.

....Applicant

(Through Advocate: Mrs. Priyanaka Bhardwaj for Shri M K Bhardwaj)

Versus

Union of India & Ors. through

1. Shri Anil Goswami
Home Secretary, Ministry of Home Affairs
North Block, New Delhi.
2. Sh. Syed Asif Abraham, Director General
Intelligence Bureau
Ministry of Home Affairs
North Block, New Delhi.
3. Shri Krishan Singh
Estate Officer and
Assistant Director of Estates(Litigation)
Director of Estates
Nirman Bhawan, New Delhi.

...Respondents

(By advocate: Shri Ashok Kumar)

Order (oral)

Justice Permod Kohli, Chairman

Vide order dated 19.09.2014 passed in TA No.57/2013,
this Tribunal while considering the claim of the children of the

second wife of the deceased Government servant made observations based upon the judgment of the Hon'ble Apex Court in ***Rameshwari Devi v. State of Bihar and Others*** (2002) 2 SCC 431, as also in WP(C) No.2576/2007 which *inter alia* deal with the claim of retiral benefits, passed the following directions:-

"4. In view of the specific observations made by the Hon'ble High Court in Delhi, in the above referred writ petitions, we dispose of the present TA by directing the respondents to reconsider the case of the applicant for compassionate appointment within two months from the date of receipt of a copy of this order, in accordance with law."

2. The respondents on consideration of claim of the applicant for compassionate appointment rejected the same by passing a speaking and reasoned order dated 29.09.2016.

The relevant part of the said order reads as under:-

"13. The relevant record of W.P.(C) 765/2010, W.P. No. 16632-33/2004, W.P.(C) 2576/2007 and TA No. 57/2013 was placed before the Compassionate Appointment Committee. The Committee in its meeting held on 18-12-2014 considered the directions of the Hon'ble Tribunal in the light of decisions of Delhi High Court passed in W.P.(C) 765/2010, W.P. No.16632-33/2004, W.P. No.2576/2007 in the light of Rules, instructions and Case Laws relevant to the issue. The Committee in their minutes recommended that Shri Nitin Joon is not fit for compassionate appointment. The recommendation of the CAC has been accepted by the Competent authority."

3. Learned counsel appearing for the applicant submits that the respondents have rejected the claim of the applicant for compassionate appointment on the same premises on which his claim was earlier rejected and the rejection order had been set aside by this Tribunal in the aforementioned order and a fresh direction issued.

4. We have heard the learned counsel for the parties.

5. The direction issued by this Tribunal was to consider the claim of the applicant in the light of the judgments of Hon'ble High Court of Delhi referred to in the preceding Para. From perusal of para 13 of the order dated 29.09.2016, it is evident that the record of writ petitions referred to by the Tribunal in its order dated 19.09.2014 was placed before the Compassionate Appointment Committee and had been examined by the said Committee. The direction in the case of Rameshwari Devi's case as also the writ petitions relate to pensionary benefits in favour of the illegitimate child and does not deal with the question of compassionate appointment. The respondents while passing the order dated 29.09.2016 have relied upon a Division Bench judgment of High Court of Jharkhand in the case of Basanti Devi in WP(S) No. 4461/2008, wherein the question of compassionate appointment has been considered by the Division Bench of

the said court and it is stated that the compassionate appointment is to be granted on the basis of the policy of the Government. The respondents in their wisdom rejected the claim of the applicant for compassionate appointment. We do not find any contravention of the directions of this Tribunal. The direction was to consider the case of the applicant in the light of the aforesaid judgments of the Hon'ble High Court. The respondents have considered it and rejected his claim. Therefore, no contempt is made out. However, the applicant is at liberty to seek remedial measures, in accordance with law. Present contempt proceedings are dropped. Notices issued to the alleged contemnors are discharged.

(Shekhar Agarwal)
Member(A)

(Justice Permod Kohli)
Chairman

/vb/