

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**O.A No.3376/2015
M.A. No.2028/2016**

New Delhi this the 23rd day of February, 2017

Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Sh. Pankaj Khitholiya, aged 32
S/o. Late Sh. Om Prakash
R/o. C600, Dakchhin PTRL,
New Delhi-110 062.
2. Smt. Santosh, Aged 64 years
W/o. Late Sh. Om Prakash,
R/o. C600, Dakchhin PRTL,
New Delhi -110 062

.....Applicants
(By Advocate : Mr. Devinder Chowdhury)

Versus

1. L&CA Section Officer DG
Central Public Works Departments,
Through Director General of Works
Nirman Bhavan, New Delhi – 110 001.
2. Office of the Executive Engineer (Coord)
Western Region, CPWD
3rd Floor, New CGO Building
Civil Centre, Minto Road, New Delhi -110 002
3. Office of the Special Director General (SR)
Central Public Works Departments
Southern Region, Rajaji Bhavan
Basant Nagar, Chennai - 600090

....Respondent
(By Advocate : Mr. S. M. Zulfiqar Alam)

O R D E R (O R A L)

Hon'ble Mr. K.N. Shrivastava, Member (A) :

M.A. No.2028/2016

M.A. seeking joining together in a single petition is allowed.

O.A. No.3376/2015

The applicant's father, Late Shri. Om Prakash was working as a Class IV employee in CPWD – respondent organisation. Sh. Om Prakash died in harness on 26.06.2010. The applicant

has applied for compassionate appointment to the respondents.

His case has been considered by the Compassionate Appointment Committee of the respondents from time to time. But his request for appointment has not been granted. Learned counsel for the applicant submitted that in terms of DoP&T O.M No. 14014/2/2012-Estt. (D) dated 16.01.2013 roaster principles are required to be followed for grant of compassionate appointment to various class of applicants. He further submitted that the applicant belongs to SC category and that his case had not yet been considered by the respondents albeit he is being advised by the respondents every year to submit his application for the compassionate appointment in the prescribed format.

2. Learned counsel for the respondents on the other hand, drew my attention to the reply filed on behalf of the respondents. He said that the applicant was considered along with others for the compassionate appointment but the Compassionate Appointment Committee did not recommend his case on the basis of the points secured by him in evaluation. Learned counsel further submitted that the respondents had been following the guidelines contained in the DoP&T O.M. dated 16.01.2013 on the issue of compassionate appointment as also the roaster principles in such appointments.

3. I have considered arguments of learned counsel for the parties and have also perused the pleadings. The DoP&T OM dated 16.01.2013 lays down elaborate guidelines in the matter of compassionate appointment which, inter alia, also includes the

application of roaster principles. The cases of the persons seeking compassionate appointment are examined as per the laid down norms/parameters and marks were awarded in evaluation of their cases. As is apparent from the records, the applicant had been securing lesser marks in the evaluation done by the Compassionate Appointment Committee and accordingly his case for the grant of compassionate appointment had not been considered.

4. I do not find any irregularity or illegality in the action of the respondents in regard to considering the case of the applicant. Pertinent to mention that the quota meant for compassionate appointment is only 5% of the DR vacancies. Due to this meagre quota, a large number of persons seeking compassionate appointments fail to get appointments.

5. In the conspectus of the discussion in the foregoing paras, I do not find any merit in the O.A and accordingly it is dismissed. No orders as to costs.

6. Needless to mention that the case of the applicant for compassionate appointment would be considered by the respondents as per the extant norms/guidelines in the future years.

(K. N. Shrivastava)
Member (A)

/Mbt/