

Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.3458/2014

Tuesday, this the 6th December 2016

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

Mrs. Manju Kumari, aged 42 yeas
Widow of late Mr. Ramadhar
r/o Narainpur Chungi, Divyapur Road
Post Office Orya, Distt. Orya (UP)

..Applicant

(Mr. Yogesh Sharma, Advocate)

Versus

1. Union of India through the Secretary
Ministry of Agriculture
Department of Agriculture & Cooperation
Govt. of India, Krishi Bhawan, New Delhi
2. The Plant Protection Officer
Directorate of Plant Protection Quarantine & Storage
Ministry of Agriculture
Department of Agriculture & Cooperation
NH-4, Faridabad (Haryana)

..Respondents

(Mr. Rajinder Nischal, Advocate)

O R D E R (ORAL)

The applicant, through the medium of this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, has claimed appointment on compassionate ground. Her husband was working as Scientific Assistant Grade I under respondent No.2. He died in harness on 15.10.2009 leaving behind his dependents – both parents, wife (applicant) and two minor children. The applicant's case for compassionate appointment was considered by respondent No.2 on two occasions, i.e., first time in the year 2011 and second time in 2012 following the guidelines of Department of Posts (Annexure A-2). The guidelines of the Department of Posts envisage grant of points on various parameters relevant for the compassionate

appointment. The applicant had secured 53 points. She was also granted an additional 10 points on the ground that her husband had died while performing his official duties. As such the total number of points assigned to the applicant was 63. The cut-off being 67 points on both occasions, her case could not be considered.

2. From the year 2014, the respondent No.2 has started following the newly prescribed Department of Personnel & Training (DoPT) guidelines contained in letter No.12034/1/2006-E.I dated 31.08.2012. Under the new guidelines, the case of the applicant was considered for the third time by respondent No.2. She was given 53 points. The candidates securing 67 points or more were given compassionate appointments. It could be seen from Annexure-1 (pages 151-152 of the paper book) that ten persons, who were purported to have got more points than the applicant, were granted compassionate appointment. The applicant could not be considered on the ground that she had got lesser points.

3. I have perused the tables prepared in the years 2011 (page 75 of paper book) and 2012 (page 82 of paper book), as also the new table (Annexure A-1) prepared in the year 2014. I find that the parameters adopted for grant of points have not changed. The same parameters are existing in the tables prepared following the guidelines of Department of Posts as well as those of Department of Personnel & Training. The grievance of the applicant is that all the ten persons, who have been granted compassionate appointments in the year 2014 (Annexure-1), had, in fact, got lesser number of points in comparison to the applicant, when their cases as well as the case of the applicant were considered in the years 2011 and 2012. Such candidates

scoring higher points, vis-à-vis the applicant, in the selection process undertaken in the year 2014 appears to be inexplicable. Learned counsel for applicant prayed for reconsideration of the case of applicant for compassionate appointment by respondent No.2. Learned counsel for respondents fairly submitted that the respondents would be willing to have a relook at the case of the applicant.

4. In this view of the matter, I dispose of the O.A. by directing respondent No.2 to reconsider the case of the applicant for compassionate appointment in the light of the observations made in the preceding paragraphs to the effect that candidates having secured lesser points, vis-à-vis the applicant, in the selection process undertaken in the years 2011 and 2012, have been given higher points in the selection process undertaken in the year 2014. No explanation is available for it, despite the fact that the parameters considered for the compassionate appointment have almost remained the same.

This shall be done within a period of three months from the date of receipt of a copy of this order.

No order as to costs.

(K.N. Shrivastava)
Member (A)

December 6, 2016
/sunil/