

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**O.A. No.100/4570/2014**

**Reserved On:09.01.2017  
Pronounced On:10.01.2017**

**HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

Hemant Singh  
Age 28 years,  
S/o Late Shri Narain Singh  
Assistant Halwai-cum-Cook  
R/o 2028/6  
Second Floor,  
Pilangi Village, Kotala Mubarakpur,  
New Delhi-110023. .. Applicant

(By Advocate:Mr. Thakur Sumit)

Versus

1. Department of Personnel & Training  
(Ministry of Personnel, Public Grievances  
and Pensions),  
North Block,  
New Delhi  
Through Director Administration.
2. Shri Sandeep Rana  
S/o Late Rashpal Rana,  
New Delhi-110062. .. Respondents

(By Advocate: Shri Rajesh Katyal)

**ORDER (ORAL)**

This is the second round of litigation. Applicant had earlier filed OA No.118/2014, which was disposed on 3.3.2014 with the following directions:-

“4. In view of the aforementioned circumstances, taking holistic view in the matter, we dispose of the OA with direction to respondent No.1 to give liberty to respondent No.2 to bring forth his claim for compassionate appointment afresh. Thereafter, the applicant and respondent No.2 may be considered for compassionate appointment on merit and in the light of existing instructions and rules on this matter, against available vacancies within ceiling of 5%. **The candidature of the applicant would not be rejected on the ground that having crossed the age limit of 25 years, he ceases to be dependent of the deceased family. No cost**”.

2. The brief facts of the case are that the father of the applicant, Late Shri Narain Singh passed away on 03.11.2011 leaving behind two unemployed sons and unemployed wife. Applicant's father was working as Assistant Halwai-cum-Cook in the Canteen of Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions and at the time of his death, he was in the pay scale of Rs.5200-20200 + 2000 and was getting monthly salary of Rs.17,127/-.

The mother of the applicant, describing precarious financial condition of her family owing to sudden death of her husband, vide letter dated 08.11.2011 requested the respondent No.1 to appoint her elder son, i.e. applicant on compassionate grounds as there is no other earning member in the family. Thereafter, she again requested vide letter dated 24.01.2012 to appoint her son on compassionate grounds. She was paid all the terminal benefits and vide letter dated 13.08.2012 was sanctioned family pension of Rs.5420/- per month w.e.f. 4.1.2011.

3. Applicant has also submitted that his case is more deserving than that of respondent No.2, whose case has been considered for compassionate appointment ignoring him, which is totally illegal and against the principles of natural justice. He has averred that respondent No.1 considered the matter of both applicant and respondent No.2 in the Minutes of meeting of Screening Committee for Compassionate Appointment held on 22.05.2014. He has emphatically pleaded that since mother of respondent No.2 got more terminal benefits so he is entitled to be considered.

4. Applicant also pleaded that his case is more deserving than that of Smt. Poonam and Smt. Seema Devi, who were shortlisted for appointment on compassionate grounds and prays that he be also considered and the OA be allowed and relied on judgments of Apex Court in cases **State Bank of India and Others Vs. Jaspal Kaur (2007) 9 SCC 571** and **Bhagwan Prasad Sonkar Vs. Union of India and Others (2011) 4 SCC 209**.

5. The respondent No.1 filed his reply and submitted that compassionate appointment against the 3 vacancies of Multi Tasking Staff (MTS), was decided in a fair and transparent manner on the basis of the recommendations made by the Screening Committee for Compassionate Appointment comprising Director (Admn.), Department of Personnel & Training (DoPT) as Chairman and Director (E), DoPT and Director (E.1), DoPT as Members, in its meeting held on 22.05.2015. The said meeting was held on 22.05.2014 in pursuance of the order passed by this Tribunal in **OA No.118 of 2014** filed by applicant against the decision taken by the Screening Committee for Compassionate Appointment in its meeting held on 13.09.2013 to reject his application on the ground of his being over 25 years of age. The Screening Committee comprising of the said officers, had considered 10 applications in its meeting held on 13.09.2013, and recommended the names of Smt. Seema Devi w/o Late Shri Pramod Kumar, Peon, Shri Sandeep Rana S/o late Shri Rashpal Singh, Assistant Halwai (respondent No.2 in the present case) and Smt. Poonam w/o Late Shri

Jaswant Singh, Bearer for appointment on compassionate ground against the 3 vacancies of MTS as they got the lowest points.

6. While arriving at the decision, the Screening Committee kept in view the principles laid down by the Supreme Court in its judgement rendered in ***Umesh Kumar Nagpal vs. State of Haryana and others***

**[JT 1994(3) SC 525]**. The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution and to help it to get over the emergency. It is further submitted that the criteria adopted by the Screening Committee for selection from 10 applicants were as under:

- (i) Sons of deceased employees, who are above 25 years of age cannot be considered for appointment on compassionate ground, as they cannot be considered to be "dependant" on the deceased employees;
- (ii) If the left-over service of a deceased employee was less than one year, the applications of their kin should also not be considered;
- (iii) Dependents, who will have the lowest score on the basis of points on the parameters like leftover service, per-capita pension & date/year of death, will be recommended for appointment on compassionate ground.

7. The Respondent No.1 has further pleaded that the application of applicant was rejected as he was over 25 years of age. Thereafter, applicant filed **OA No. 118 of 2014** (supra) before this Tribunal challenging the decision to reject his application. In pursuance of the

Order of Hon'ble Tribunal, fresh application had been obtained Shri Sandeep Rana, respondent No.2 and the same was considered along with the remaining nine applications including that of applicant by the Screening Committee for Compassionate Appointment in its meeting held on 22.05.2014. Adhering to the principles of fair play, natural justice and impartiality, the Screening Committee chose to retain the same parameters which had been adopted earlier, during the meeting held on 13.09.2013, to allocate points for the purpose of deciding the 3 (three) applicants who would secure the lowest points. The Screening Committee recommended the names of Smt. Seema Devi w/o Late Shri Pramod Kumar, Peon, Shri Sandeep Rana s/o Late Shri Rashpal Singh (respondent No.2 in this case) as Assistant Halwai and Smt. Poonam w/o Late Shri Jaswant Singh, Bearer for appointment on compassionate grounds against the 3 vacancies of MTS as they got the lowest points. All the three have been appointed as MTS in Department of Personnel & Training. The process for appointment on compassionate ground against the vacancies of MTS occurred in 2012, 2013 and 2014 has been indicated and it has been decided to consider the candidature of the applicant along with other applications.

8. I have heard the learned counsel for the parties, gone through the records and perused the judgments.

9. First of all, I may mention that the applicant has filed this OA raising almost all the same very grounds which he had earlier raised in the previous OA No.118/2014. The Tribunal had dealt with all the issues raised by him and passed a detailed order. Moreover, if the

applicant remained unsuccessful in the earlier OA, he cannot be permitted to raise the same very points again by means of fresh OA.

10. In the earlier OA, the only direction in his favour was that “his candidature be not rejected on the ground that having crossed the age limit of 25 years, he ceases to be dependent of the deceased family”.

11. The respondent No.1 has again considered applicant's case for compassionate appointment on all the pleas/grounds raised by him, but was not found to be most suitable against the few existing vacancies. Moreover, there was a tie between applicant and Smt. Poonam w/o Late Shri Jaswant Singh with regard to number of points obtained. Thereafter, the Screening Committee further examined both the cases on the following 3 points:-

“(i) Family pension of Smt. Poonam is Rs.1890/- for 6 dependent family members, as compared to family pension of Rs.5420/- to Shri Hemant Singh for 3 dependant family members.

(ii) The terminal benefit in respect of Smt. Poonam was Rs.68,652/- whereas in the case of Shri Hemant Singh it was Rs.6,08,869/-.

(iii) Smt. Poonam has 2 daughters dependent on her.

12. Moreover, applicant is working as Data Entry Operator. Thus, according to the Screening Committee on Compassionate Appointment, the case of Smt. Poonam was recommended for appointment as she was found to be more deserving than that of applicant.

13. I may also add that the same very issue was considered by Hon'ble Apex Court in case of ***Life Insurance Corporation of India Vs. Mrs. Asha RAMchandra Ambedkar and Others JT 1994 (2) SC 183***

wherein it was held that “the High Courts and Administrative Tribunals cannot give direction for appointment of a person on compassionate

grounds but can merely direct consideration of the claim for such an appointment". This has been found to be fully done by the Screening Committee for Compassionate Appointment.

14. In view of the above discussion, I find that there is no merit in the OA and same is hereby dismissed. There shall be no order as to costs.

**(NITA CHOWDHURY)**  
**MEMBER (A)**

**Rakesh**