

**Central Administrative Tribunal
Principal Bench**

**OA No.1355/2018
MA No.1504/2018**

New Delhi, this the 24th day of August, 2018

Hon'ble Mr. Ashish Kalia, Member (J)

Arjun Nath Verma, Aged 29 years,
S/o Late Shri Raja Ram,
R/o 538-K/459, Triveni Nagar-3,
Lucknow.

...Applicant

(By Advocate : Shri Rahul Kumar)

Versus

1. Union of India through
The Secretary, Ministry of Home Affairs,
Government of India,
Office of Registrar General & Census Commissioner of India,
2/A, Man Singh Road, New Delhi-110011.
2. The Registrar General & Census Commissioner of India,
2/A, Man Singh Road, New Delhi-110011.
3. The Joint Director (Controlling Officer),
Government of India,
Ministry of Home Affairs,
Directorate of Census Operations,
L.D. Tower, 3-Saharanpur Road,
Near Matawali Bagh,
Dehradun, Uttarakhand.
4. The Deputy Director (Admin) I CO,
Directorate of Census Operations, L.D. Tower
3-Saharanpur Road,
Near Matawali Bagh,
Dehradun, Uttarakhand.

...Respondents

(By Advocate : Ms. Sumedha Sharma)

ORDER (ORAL)

Heard the learned counsel for the parties.

MA No.1504/2018

2. For the reasons stated therein, the MA filed for seeking condonation of delay in filing the OA is allowed.

OA No.1355/2018

3. A short question before this Tribunal is whether the applicant should be considered for a compassionate appointment by the respondent Organisation.

4. Respondents have filed detailed reply. They have stated that as per the scheme of compassionate appointment, only 5% of the direct recruitment vacancies for Group 'C' and Group 'D' are available for compassionate appointment. They further state that the applicant cannot claim the available vacancy as a matter of right. Reliance is placed on the judgment in **Umesh Kumar Nagpal Vs. State of Haryana & ors.**, 1994 SCC (4) 138, where the Hon'ble Supreme Court has held that offering compassionate appointment as a matter of course, irrespective of financial condition of the family of the deceased or medically retired government servant, is legally impermissible.

5. It is also stated in the reply filed by the respondents that total number of 18 applications were considered and evaluated. The applicant secured 47 merits points out of 100 merit points as against the cut off mark of 60 merit points needed to classify the case as most deserving for compassionate appointment. Therefore, the case of the applicant was not found deserving for appointment on compassionate grounds. It has also been clarified that the Committee applied a very transparent criteria on the basis of information provided by the applicant and as per prevalent rules and instructions on the issue. Further, no discretionary powers were exercised to give arbitrary benefit to any of the candidates.

6. Having heard the learned counsel for the parties and gone through the pleadings available on record, I am convinced that respondents have very fairly considered the case of the applicant but not found his case deserving enough to offer him appointment on compassionate grounds. The OA is, therefore, dismissed being devoid of merit. No costs.

(Ashish Kalia)
Member (J)

‘rk’