

**Central Administrative Tribunal
Principal Bench**

**OA No.2491/2013
MA No.2814/2015
MA No.3778/2015**

New Delhi, this the 29th day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Ms. Nidhi,
D/o Late Shri Peter Messay,
R/o B-330 Admn. Flats,
Timar Pur, Delhi-110054.

...Applicant

(By Advocate : Shri G.D. Chawla)

Versus

1. Govt. of National Capital Territory of Delhi (GNCTD) through its, Chief Secretary, Delhi Sectt., 5th level; A-Wing, Delhi Sachivalaya, I.P. Estate, New Delhi.
2. The General Manager, I.S.B.T., Kashmiri Gate, Delhi-110054.
3. The Executive Engineer, Transport Department, GNCTD, I.S.B.T., Kashmiri Gate, Delhi.

4. CPWD through its Chief Engineer,
Sub-Divisional-II, PWD-III,
Nirman Bhawan, New Delhi.

...Respondents

(By Advocate : Shri Jatin Parashar for Shri Ajesh Luthra)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The father of the applicant, by name, Peter Messay, was employed in the Delhi Transport Infrastructure Development Corporation Limited (for short DTIDC), which was under the control of Government of National Capital Territory of Delhi (for short GNCTD), as a Pump Operator. He died on 09.06.2012 while in service. The applicant approached the respondents with a request to provide employment to her on compassionate grounds. It was rejected on 23.05.2013. The same is challenged in this OA.

2. The applicant contends that the reasons mentioned in the order of rejection are not justified, inasmuch as, the scheme for providing employment and compassionate appointment was very much in vogue in the GNCTD, and the DTIDC has succeeded to the same in all respects.

3. The respondents filed counter affidavit opposing the contentions advanced by the applicant. An objection is raised as to the maintainability of the OA on the ground that the DTIDC is not included in the notification, as regards which, the jurisdiction is conferred upon the Tribunal. On merits also, it is stated that the scheme for providing employment and compassionate appointment to the DTIDC employees is not in force in the Organisation.

4. We heard Shri G.D. Chawla, learned counsel for applicant and Shri Jatin Parashar for Shri Ajesh Luthra, learned counsel for respondents.

5. A serious objection is raised as to the maintainability of the OA. The Organisation, in which the father of the applicant was employed, as on the date of his death, i.e. DTIDC is not under the purview of the jurisdiction of this Tribunal. Even otherwise, the specific reason mentioned in the order of rejection that the scheme of providing employment to the dependents of the deceased employees is not in operation in the DTIDC, is not disputed, nor it is demonstrated to be otherwise. Therefore, we do

not find any merit in the OA and the same is accordingly dismissed.

Pending MAs, if any, stand disposed.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(L. Narasimha Reddy)
Chairman

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