

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 1690/2016

New Delhi this the 7th day of December, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)

Sumit Kumar, aged about 24 years,
S/o late Sh. Prakash,
R/o Khatik Mohalla, Sadar Bazar,
Mathura (UP)

- Applicant

(None)

VERSUS

1. Union of India through
The Secretary to the Govt. of India,
Ministry of Defence (Section Q&C)
Central Secretariat, South Block, New Delhi
2. The Chief of Army Staff,
Army Headquarters, Sena Bhawan,
DHQ, Post Office, New Delhi
3. The Directorate General of Staff Duties,
[SD-7(Ad.Civ.) Section, General Staff Branch,
Integrated Headquarters of Ministry of Defence (Army)
DHQ, Post Office, New Delhi
4. The Deputy Director Staff Duties,
Headquarter South Western Command
(GS/EM). PIN-9085444
5. The Commanding Officer,
Station Headquarters,
Mathura-Cantt. PIN-901198

- Respondents

(By Advocates: Mr. Hanu Bhaskar and Mr. VSR Krishna)

O R D E R (Oral)

The applicant has filed this Original Application (OA) seeking the following reliefs:-

“(a) THAT Respondents may kindly be directed to continue the Applicant presently engaged as Sweeper on Daily Wages @ Rs.150/- per day may be continued till his consideration for appointment in a regular post under the scheme of compassionate appointment in a post to which he is found fit and eligible by the Competent Authority.

- (b) THAT the case of Compassionate Appointment of applicant ordered to be considered by a duly Constituted Committee by the office of Directorate General Staff Duties (Respondent No.3) in a Regular Multi-Tasking Class "C" employee or Trainee, by the duly constituted Committee involving Liaison Officer for Schedule Castes and another Member of Scheduled Caste Committee as per the relevant orders and judicial decisions issued in this regard from time to time, in any of the offices under the Ministry of Defence.
- (c) ALLOW any other and further relief which this Hon'ble Tribunal may deem fit and proper in the circumstances of this case in order to safe-guard the interests of justice;

AND

- (d) ALLOW costs of this Application."

2. Nobody appeared for the applicant even in the revised call. As this is a simple case of compassionate appointment from the heir of deceased who had died in 2005. It is thought appropriate to dispose off the same after hearing the respondents under Rule 15 of the CAT (Procedure) Rules, 1987.

3. The first relief asked for by the applicant is to be allowed to continue him as Sweeper on daily wage basis. This Tribunal does not deal with the appointment of persons on daily wage basis and hence the first relief cannot be given to the applicant and it is not a matter which comes within the service entitlement. Secondly, the applicant has sought consideration for appointment on ground of demise of his father while in service on 18.01.2005.

4. The learned counsel for the respondents states that though after the death of the father of the applicant, he himself has stated that he had applied for compassionate appointment vide application dated 05.12.2012 but neither has he enclosed a copy of any such application nor has he filled in the prescribed format and

annexures/required certificates to be submitted in case of compassionate appointment.

5. After going through the submissions of the respondents, the record as filed by the applicant was perused. Though this Tribunal finds some applications with regard to request for compassionate appointment, but any duly filled in application has not been submitted by the applicant. The DoPT, vide its OM No.14014/02/2012-Estt.(D) dated 16.01.2013 has already directed that any entitled party can apply for compassionate appointment at any time to the concerned respondents.

6. In view of the aforesaid directions of the DoPT, the applicant is directed to submit an application for compassionate appointment in the prescribed format with required annexures and certificates to the respondents within a period of 45 days from the date of receipt of a certified copy of this order. Thereafter, if such an application is received, the respondents shall consider the same in the next meeting of the Compassionate Appointments Committee and inform the applicant about the decision of the Committee within 30 days from the date of decision taken by the said Compassionate Appointments Committee.

7. With the above directions, the OA stands disposed of. No costs.

**(Nita Chowdhury)
Member (A)**

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