

Central Administrative Tribunal Principal Bench, New Delhi

OA No.2097/2017

Reserved on:20.08.2018
Pronounced on:23.08.2018

Hon'ble Ms. Praveen Mahajan, Member (A)

Shri Suresh Kumar Nagar
S/o Late Sri Zabar Singh
Ex-Head Watchman, Pin 4639
Compassionate appointment
R/o H.No.215, Village Jewri Rajwan
P.O. Kankarkhera, Meerut Cantt. Applicant

(By Advocate: Shri Shesh Datt Sharma)

VERSUS

1. Union of India through
Q.M.G.'s Branch
Canteen Stores Deptt.,
Army Headquarters, New Delhi.
2. Secretary
Board of Control
Canteen Services
L-1 Block, R.No.16
Army Headquarters
New Delhi.
3. General Manager
Canteen Stores Department
'ADELPHI 119, M.K.Road'
Mumbai – 400 020.
4. Area Manager
C.S.D. Depot
Agra, U.P.

...Respondents

(By Advocate: Shri G.S.Virk)

ORDER

The applicant has filed the present OA challenging the impugned order dated 17.10.2016 rejecting his request for compassionate appointment.

2. Briefly stated the facts of the case are that the applicant's father, who was working as Ex-Head Watchman with the respondents died in harness on 03.03.2013, leaving behind his two un-employed sons, three married daughters and his widow.

3. On 09.04.2013, the applicant's mother requested the respondents for a suitable job for the applicant on compassionate grounds, in place of her late husband. The applicant's other brother and sisters gave their "No Objections" in favour of the applicant.

4. It is averred that the respondents failed to appreciate that the family of the applicant is under extreme financial stress and have not considered the case of the applicant dispassionately, and have rejected his request.

5. In the counter the respondents state that the case of the applicant was considered by the Department as per the guidelines on Compassionate Appointment. The applicant did not qualify for selection/employment since there were more deserving candidates available for compassionate appointment, when the applicant's case was considered. The respondents contend that each case has to be examined on its merit. The Board of officers evaluated the case of the applicant for three consecutive years and found that his case does not fall within the parameters specified in the Guidelines for Compassionate Appointment.

6. Admittedly the criteria for granting Para-6 Compassionate Appointment is based on the indigent condition of the family of the deceased as well as the liabilities left behind. Additionally, the

recruitment on compassionate appointment can only be made up to 5% of direct recruitment vacancies for Group 'C' & 'D' posts which arise in a particular year. Respondents considered the request of the applicant in accordance with MoD OM No.19(3)/2009 dated 14.05.2010 alongwith others candidates. Conclusion arrived at by all the three Boards was in the negative vis-a-vis the request of the applicant, and this was duly conveyed to the applicant.

7. In the facts and circumstances of the case, I feel that the impugned order passed by the respondents cannot be faulted and the request of the applicant for re-considering his case cannot be acceded to. OA lacks merits and is dismissed. No costs.

(Praveen Mahajan)
Member (A)

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