

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.3705/2016

Tuesday, this the 1st day of May 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)

Rohit Goswami s/o late Shri Jagdish Prasad Goswami
Aged 33 years
r/o 61 Krishna Bagh Kalwari
Awadhpuri, Bodla
Agra, UP 281001

..Applicant

(Mr. Padma Kumar S, Advocate)

Versus

1. Indian Council of Medical Research
Through its Director General
V Ramalingaswami Bhawan
Ansari Road,
Post Box 4911, New Delhi
2. Director
National Jalma Institute for Leprosy
And Other Mycobacterial Diseases
Indian Council of Medical Research
Post Box 1101
Tajganj, Agra – 282001

..Respondents

(Mr. R N Singh, Mr. Vaibhav Pratap Singh and Mr. Amit Sinha, Advocates)

O R D E R (ORAL)

The applicant's father, late Mr. Jagdish Prasad Goswami, was employed as a Plumber under respondent No.2. He died in harness on 31.01.2009. The applicant's mother applied for compassionate appointment for applicant on 17.02.2009. He was engaged for about 3 years on contract basis by respondent No.2 (paragraph 4.5 of O.A.). Apparently, his case was considered by the Compassionate Appointments Committee (CAC). The Office Note relating to the cases placed for compassionate appointment

before the CAC and its recommendations thereon are available at Annexure A-6. According to it, the Office had noted that “the applicant has three brothers working in private sector and with this decent pension, the family is financially sound”. The CAC, however, in its recommendations, has not specifically covered the case of this applicant unlike other cases, which were also considered on the same day.

2. Mr. Padma Kumar S, learned counsel for applicant has argued that since there is no mention of the applicant’s case in the recommendations of the CAC, it can be presumed that the CAC never gave any due consideration to his case.

3. The respondents have filed their reply, in which they have stated that the request for compassionate appointment has been rejected by the respondents after considering all material facts, condition of the bereaved family and also the relevant scheme on the subject.

4. Mr. R N Singh, learned counsel for respondents submitted that the applicant’s family is not in indigent condition and thus his case has been rightly rejected by the respondents for compassionate appointment.

5. I have considered the arguments of learned counsel for the parties and perused the pleadings.

6. From the documents available at Annexure A-4, it is quite clear that the applicant’s case for compassionate appointment has not been considered primarily on the ground that the family was in good financial condition in view of the fact that his three brothers were working in private

sector and the family is also getting the family pension. This factum has been noted in the table placed before the CAC by the Office. Even though there is no specific mention about the case of the applicant in the recommendations of the CAC (p.19), but it is presumed that the recommendations of the Office must have been considered by the CAC. The fact of three brothers of the applicant are working in the private sector has not been denied by the applicant.

7. In this view of the matter, I am of the view that there is no infirmity in the impugned Annexure A-1 communication dated 22.09.2005 and the case of the applicant has been correctly rejected since the family is not facing any indigent condition. The O.A. is accordingly dismissed. No order as to costs.

(K.N. Shrivastava)
Member (A)

May 1, 2018
/sunil/