

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

C.P.No.102/2018 in O.A. No.2705/2017

Thursday, this the 24th day of May, 2018

**Hon'ble Mr. Justice Dinesh Gupta, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Rakesh Kumar s/o late Shri Babu Lal
D-II, House No.1008
Madan Pur Khadar, JJ Colony
New Delhi – 110 076

..Applicant

(Mr. Ravi Kumar, Advocate for Mr. Bimlesh Kumar, Advocate)

Versus

1. Union of India & others through Mr. B S Murthy
The Director (A&V)
Directorate General of Health Services
Ministry of health & Family Welfare
(Nursing Section)
Nirman Bhawan, New Delhi – 110 001

2. R A K College of Nursing
Through the Principal, Dr. Harinderjeet Goyal
Lajpat Nagar, New Delhi – 110 024

..Respondents

(Mr. Satish Kumar, Advocate)

O R D E R (ORAL)

Mr. K.N. Shrivastava:

Vide our order dated 11.08.2017, we had issued the following directions:-

“3. Accordingly, the applicant is directed to make a fresh representation to the respondents and the respondents are directed to consider the case of the applicant for compassionate appointment as per the qualification of the applicant taking mainly into consideration the financial condition of the family. The respondents are directed that if the applicant's family condition is found eligible for grant of compassionate appointment, he may be granted compassionate appointment as per rules.”

2. In the compliance affidavit filed on behalf of the respondents, enclosing therewith Annexure R-1 order dated 12.04.2018, it is stated that the applicant's case for compassionate appointment cannot be considered, as there are no vacancies in RAKCON.

3. On 08.05.2018, we considered the compliance affidavit and also went through the order dated 12.04.2018, vide which, the case of the applicant for compassionate appointment has been rejected. Two reasons have been cited for rejection:

(a) that there are no vacancies available; and

(b) the applicant is only 8th class pass, and thus he does not even qualify for consideration appointment to the post of MTS, for which the requisite qualification is 10th class pass.

4. Mr. Satish Kumar, learned counsel for respondents, on instructions, submits that the case of the applicant would be considered whenever a vacancy for compassionate appointment arises in future.

5. It is to be mentioned that the applicant is 8th class pass and that as per the Recruitment Rules, the minimum educational qualification for the post of MTS is 10th class pass, were kept in view by the Tribunal while passing the order dated 11.08.2017. Hence, we would like to observe that the educational qualification of the applicant will not be considered as a barrier and necessary relaxation would be provided by the respondents while considering the case of the applicant for the compassionate appointment. Pertinent to mention that even in the scheme of

compassionate appointments of the Government, such relaxations are provisioned.

6. With these observations, this C.P. is closed. Notices issued to the respondents are discharged.

(K.N. Shrivastava)
Member (A)

(Justice Dinesh Gupta)
Chairman

May 24, 2018
/sunil/