

Central Administrative Tribunal
Principal Bench, New Delhi

This is the 03rd day of August, 2018
O.A. No. 272/2017

Hon'ble Sh. Pradeep Kumar, M (A)

Alok Ranjan Rai
Aged about 28 years
S/o Late Sh. Kailash Rai
R/o F-31, ITI Pusa, New Delhi.

...Applicant

(By advocate: Sh. Anil Singal)

Vs.

1. Govt. of NCT of Delhi
Through its Chief Secretary,
Delhi Secretariat, Delhi.
2. Joint Secretary (Services),
Govt. of NCT of Delhi
Delhi Secretariat, Delhi.
3. Smt. Alka Pandey
W/o Late Sh. Ghanshyam Pandey
R/o B-3/362, Sector-6,
Rohini, New Delhi-85
4. Sh. Kapil Mamgain
S/o Sh. Late Sh. Kanta Prasad
R/o 1762, Laxmibai Nagar,
New Delhi-23
5. Smt. Aruna Kumari
W/o Late Sh. Bhooraj Singh
R/o Quarter No. 74, DDA Flats
Karkardooma, Delhi.

(By advocate: Sh. Vikrant Narayna Vasudeva)

Order (Oral)

Heard the learned counsel for the applicant as well as learned counsel for the respondents.

2. The case of the applicant is that the applicant's father was working as Craft Instructor in Govt. of NCTD. He unfortunately died on 25.09.2008. However, the applicant applied for compassionate ground appointment for one of the family members and this was not agreed to by the respondents. He had approached the Tribunal earlier in O.A. No. 16/2015. This was disposed of by the Tribunal on 11.05.2016 wherein the following directions were given :-

"Accordingly, respondents are directed to supply copy of the documents to the applicant showing now the case of the applicant has been compared and considered alongwith other candidates and what marks have been scored by the applicant as well as other candidates who had been given compassionate appointment within a period of two months from the date of receipt of a certified copy of this order. After getting a copy of the comparative chart from the respondents, the applicant is at liberty to challenge the same through appropriate proceedings, if he feels so.

In view of above, OA is disposed of. No costs."

3. However, the applicant pleaded that since this has not been complied with, the applicant has approached this Tribunal with a fresh O.A. which is presently under consideration.

4. Learned counsel for the respondents drew attention to their counter which has already been submitted. It was brought out that the applicant applied for compassionate appointment and this case was received on 03.09.2009. Thereafter, it was considered in the relevant Committee meetings of 2010, 2012 & 2013. The criteria adopted by the respondents at that point of time in respect of considering the application for compassionate appointment was basically as under :-

(a) that the first priority would be for families which are living in extremely indigent circumstance and having all children who are less than 12 years of age and no other source of livelihood e.g. rent, ownership of a house etc.

(b) Net consideration can be given to cases, where the family is in extremely indigent circumstances and has minor children less than 18 years of age and no other source of employment."

4.1 The applicant's case did not succeed as per this criteria as per the judgment of the relevant Committee and, hence the compassionate ground appointment was not granted. Moreover, respondents also brought out that the two sons of the deceased employee were above 18 years of age at that time and since there was a limitation of compassionate ground appointment to the extent of 5% vacancies only, all cases could

not be accommodated. The respondents further brought out that this policy has not been challenged by the applicant.

4.2. In February, 2017, a new criteria came into force which is based on weightage marks to be allocated under various heads for evaluation of compassionate ground cases. There were 12 such cases including that of the applicant, and vide letter dated 09.05.2017, they all were advised to submit their request as per specified norms so that their cases could be considered as per the new criteria.

4.3 The respondents further brought out that order passed by this Tribunal on 11.05.2016 has, thus, substantially been complied with. As regards consideration under this new criteria introduced in Feb. 2017, the applicant could not be given any consideration as he did not apply at all.

5. The matter has been heard. The procedure for grant of compassionate ground appointment is based on several factors particularly the financial condition of the family and immediate dire needs. Compassionate ground appointment cannot be claimed as a matter of right. One can claim for consideration only. There are certain limitations prescribed in the policy based

on which the department has to consider and recommend the cases for grant of compassionate ground appointment. In pursuance of same, the applicant's case was considered and not found fit. As regards the new marks based weightage system since enforced, the applicant did not apply at all.

6. The OA is dismissed being devoid of merit. Applicant shall, however, be at liberty to make a fresh representation to respondents , if he feels so.

**(Pradeep Kumar)
Member (A)**

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