

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00743/2017

DATED THIS THE 31st DAY OF OCTOBER, 2018

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

Jai Bheem,
S/o late Mallappa,
Aged about 34 years,
residing at H.No.8-658,
Neharu Gunj, Sanjeev Nagar,
Gulbarga 585 103.

....Applicant

(By Advocate Shri VR.Datar)

vs.

1. Prasara Bharati,
Broad Casting Corporation of India,
Doordarshan Bhavan,
Copernicus Marg,
New Delhi 110 001.

2. Senior Administrative Officer,
& Station Director,
Doordarshan Kendra,
Humanbad Road,
Gulbarga 585 101.

3. The Deputy Director (Admn.),
Prasara Bharathi, (Broadcasting)
Bharat Indian Broadcasting Corporation
Doordarshan Mahanirdeshanalaya,
New Delhi 110 001.Respondents.

(By Shri N.Amaresh... Sr.Panel Counsel)

ORDERSHRI DINESH SHARMA MEMBER (A)

1. The relief sought in this OA is for compassionate appointment. The facts of the case are briefly as follows:-
2. The applicant's father died in harness in the year 2000. His request for compassionate appointment was not granted and was specifically declined in the year 2006. The request for reconsideration, by applicant number 2, were also declined in the year 2007. The applicant along with his mother and brothers had filed OA.No.708/2012 for directing the respondents for reconsideration of his application. This Tribunal directed the respondents to consider his application on compassionate grounds without going into any technicalities. The respondents again rejected the application in the year 2015. The applicant challenged the above order by OA.No.381/2016 before this Tribunal. This Tribunal again directed the respondents for reconsidering the case by the Compassionate Appointment Committee. This Committee again considered the case of the applicant and rejected the same on ground of it being low on merit. The applicants have argued that such rejection is not justified and is in violation of the orders of this Tribunal .
3. The respondents have denied the allegations of the applicant. They have argued that the rejection is according to policies of the Department of Personnel and Training (DOPT) on this matter. In

the initial years there was shortage of vacancies and therefore, cases more than 3 year old could not be considered. Later, when this ban was removed, all cases, including that of the applicant, were considered but there were other people more deserving than the applicant. The respondents have again considered the case of the applicant when this Tribunal directed them and the Committee has again found the applicant to be not as deserving as the others in the list of such applicants.

4. The applicants in the rejoinder, have reiterated the claim made in their Original Application and have also presented a copy of the Minutes of the Meeting of the Compassionate Appointment Committee which was held on 5th and 6th April 2017. According to the applicant these minutes show that no special consideration was shown to the applicants as directed by this Tribunal.

5. After going through the pleadings and hearing the arguments of both the sides, it is clear that the applicant's claim for compassionate appointment arose because of the sad demise of the only bread winner in the family in the year 2000. The respondents have argued that the applicants have somehow survived and borne this tragic loss for the last 18 years. This itself is a reason for giving his application a lower priority than what is given to more recent cases requiring such compassionate intervention. While the applicant finds this a "shocking assertion" on the part of the respondents it is a fact

that the scheme is meant for taking care of immediate hardship which the death of a sole bread winner in a family causes to the survivors. However callous it may appear, it is a fact that time heals old wounds. When the opportunities for grant of compassionate appointment is limited to a small percentage of vacancies, all eligible cases have to be weighed in and the discretion exercised in favour of those who deserve it the most at the point of such consideration. As the minutes produced by the applicants show, the Committee of compassionate appointment did consider the case of the applicant, along with others, as directed by this Tribunal and have come to the conclusion that they were not the most deserving ones amongst those considered. The earlier order of this Tribunal, dated 2.2.2017, was based on the reply of the respondents in which they had themselves admitted that they will convene a Compassionate Appointment Committee and will again consider the case of the applicant. Since they have done what they had promised and still not found the applicants suitable for compassionate appointment, we do not see any reason to linger further on this matter. OA is, therefore, dismissed. No order as to costs.

(DINESH SHARMA)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA No.743/2017

Annexure-A1: Copy of letter of applicants dated 22.1.2010

Annexure-A2: Copy of communication dated 8.8.2006

Annexure-A3: Copy of letter dated 14.8.2007

Annexure-A4: Copy of rejection letter dated 10.4.2008

Annexure-A5: Copy of Hon.CAT Bengaluru order in OA.708/2012

Annexure-A6: Copy of letter dated 30.12.2013

Annexure-A7: Copy of letter dated 21.1.2014

Annexure-A8: Copy of rejection order dated 28.5.2015

Annexure-A9: Copy of reply of respondents

Annexure-A10: Copy of Hon.CAT Bengaluru order in OA.381/2016 dated 2.2.2017

Annexure-A11: Copy of letter of applicant dated 25.7.2017

Annexure-A12: Copy of letter of 2nd respondent

Annexure-A13: Copy of order dated 24.8.2017

Annexures with reply statement:

Annexure R-1: Copy of offer of OM dated 24.8.2017

Annexures referred in rejoinder

Annexure-A14: Copy of letter dated 5.10.2017

Annexure-A15: Copy of letter dated 14.9.2017

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