

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00649/2017

Dated Thursday the 26th day of April Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

M.V.Ashok Kumar,
No. 64/17, 1st street,
Weavers Colony,
Dharmapuri 636701.Applicant

By Advocate Mr. D. Ramdass

Vs

- 1.Union of India,
rep by its Director,
Directorate of Field Publicity,
East Block IV, Level III,
New Delhi 110066.
- 2.The Joint Director,
Directorate of Field Publicity,
Government of India,
1st floor, Block No. 8,
Shastri Bhavan, Chennai 600006.
- 3.The Under Secretary,
Ministry of Information & Broadcasting,
“A” Wing, Shastri Bhawan,
New Delhi 110001.Respondents

By Advocate Mr. M.T.Arunan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “i. Call for the records relating to the impugned order bearing A-12012/12/2016/Admn. Dated 24.03.2017 of the 1st respondent and set aside the same.
- ii. Direct the respondents to give appointment on compassionate ground to the applicant in the existing vacancy available in various categories in the right of the RTI reply dated 18.08.2016.
- iii. And pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

2. Learned counsel for the applicant submits that the applicant had made an application for appointment on compassionate grounds following the death of his father late S.Venkatesh who was employed as Group D in the respondents' department, on 10.07.2002 after putting in 21 years of service. In response to his application, he was informed by Annexure A1 letter dt. 31.03.2005 that the committee on compassionate appointments, in the meeting held on 17.12.2004, considered the names of all applications for compassionate appointment received from July 2002 onwards. The Directorate was pleased to inform that his name was recommended for appointment. The final order would be issued after getting necessary approval of the Screening Committee duly constituted in the Ministry.

3. The applicant kept pursuing the matter through representations

and in terms of the order of this Tribunal dt. 01.11.2016 in OA 1673/2016. However, through Annexure A8 impugned order dt. 24.03.2017, the applicant was informed that the Screening Committee did not recommend his name as his case was found to have come under belated category. It is submitted that the respondents could not deny the applicant a compassionate appointment for which he had already been recommended in the year 2005 by belatedly considering the matter in the year 2017 and then rejecting the claim on that very ground. The applicant accordingly seeks a direction to the respondents to grant him compassionate appointment.

4. Learned counsel for the respondents would submit that in the matter of compassionate appointment, the financial distress of the family left behind by the deceased employee is taken into account. While the applicant may have been recommended in the year 2005, 12 years later it could not be said now that the family continued to be in financial distress warranting compassionate appointment for the applicant.

5. I have considered that matter. It is not in dispute that the applicant was informed by letter dt. 31.03.2005 that his name had been recommended by the relevant committee and the final order would be issued after getting necessary approval of the Screening Committee constituted in the Ministry. No explanation whatsoever is

offered as to whether the matter was placed before the Screening Committee immediately thereafter and if so, with what outcome. If the matter was belatedly placed before Screening Committee in the year 2017, the delay cannot be attributed to the applicant and therefore, it was not fair on the part of the Screening Committee to reject his claim only on the basis that it was belated. It is vaguely indicated that when the matter was considered in 2008 and thereafter, but the applicant could not be recommended for want of vacancies. It is not clear how the Directorate was pleased to inform him of his selection in 2005 if there were no vacancies.

6. In view of the above, the respondents are directed to place the claim of the applicant for compassionate appointment again before the Screening Committee which shall reconsider his claim on merits and make an appropriate recommendation to the competent authority who shall then pass a reasoned and speaking order. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

7. OA is disposed of with the above directions. No costs.

(R. Ramanujam)
Member(A)
26.04.2018

SKSI