

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 043/00127/2017

Date of Order: This, the 14th day of May 2018

THE HON'BLE MR. S.N. TERDAL, JUDICIAL MEMBER

Smti. Dolly Sunar
 Daughter of Late Budhi Raj Sunar
 Resident of Lawmali Pyllun
 Block-II, Ganesh Das Hospital Road
 Near Lucky Pharmacy, Shillong
 District – East Khasi Hills
 Pin – 793001, Meghalaya.

...Applicant

Advocates: Mr. Adil Ahmed, Mrs. S. Bora, Ms. R.R. Rajkumari
 And Mrs. D. Goswami

-Versus-

1. The Union of India
 Represented by the Secretary
 To the Government of India
 Ministry of Finance, Department of Revenue
 New Delhi – 110001.
2. The Chief Commissioner
 Customs & Central Excise (NER)
 Government of India
 Crescent Building (3rd Floor)
 Opposite Secretariat Building
 M.G. Road, Shillong – 793001
 Meghalaya.
3. The Commissioner
 Central Excise and Service Tax
 Morello Compound, M.G. Road
 Shillong, Meghalaya, Pin – 793001.

... Respondents

By Advocate: Mr. S.K. Ghosh, Addl. CGSC

O R D E R (ORAL)

MR. S.N. TERDAL, MEMBER (J):

Heard Mrs. S. Bora, learned counsel for the Applicant and Mr. S.K. Ghosh, learned Addl. CGSC for the Respondents. Perused the pleadings and the documents.

2. This is the case of consideration for appointment on compassionate ground. The father of the Applicant died on 05.10.1998. Since then, the mother of the Applicant applied for compassionate appointment. However, because of her ill health, she requested the Respondents to consider her daughter, namely, the present Applicant for appointment on compassionate ground. Because of non-consideration of the Applicant for a long time, she filed O.A. No. 040/00404/2015. By an order dated 21.12.2015, this Tribunal directed the Respondents to consider her case for compassionate appointment. The relevant para 10 of the said order is extracted below:-

"Accordingly, in the interest of justice, we direct the respondents to consider the case of the applicant by placing the matter before the Board of Officers Meeting keeping into vacancy position. The Board of Officers Meeting should be held within a period of three months from the date of receipt of a copy of this order and the decision thereof shall be communicated to the applicant forthwith by passing a reasoned and speaking order."

3. Pursuant to the order of this Tribunal, the Respondents passed a Speaking Order on 30.11.2016. Said Speaking Order is

challenged in the present OA. In the Speaking Order, the Respondents have stated that for 8 (eight) vacancies in the year 2016, Applicant was considered along with several other candidates but other candidates were selected who had acute financial crisis and need emergent financial assistances than the Applicant. Relevant portions of the Speaking Order are extracted below:-

7. The Screening Committee met on 09-06-2016, 23-09-2016 & 07-10-2016 to scrutinize the documents submitted by the applicants. The Committee decided that since all the required information have not yet been furnished by all the applicants, the matter could not be finalized. However the concerned applicants have been reminded to expedite submitting the information required.
8. On completion of all investigation, the Screening Committee met on 02-11-2016 to fill up the 8 (eight) posts in the grade of Havaldar. Accordingly, the Screening Committee scrutinized and examined all the applications along with that of Smti. Dolly Sunar, their financial verification reports and eligibility criteria for compassionate appointment.
9. After considering all the applications including that of Smt. Dolly Sunar the Screening Committee weighed them in the light of instruction contained in DOPT's O.M., and Board's Circulars issued from time to time and observed that there are other 8 (eight) cases with acute financial crisis who need emergent financial assistance, therefore they are found to be more deserving in comparison with that of Smti. Dolly Sunar. The Committee therefore finally recommended the said 8 (eight) applicants for appointment in compassionate ground to the grade of Havaldar. Accordingly, Appointment Order issued to all the candidates on 28th November 2016."

4. In the written statement, the Respondents have stated that they have followed certain criteria for filling up the said 8 (eight) posts in the grade of Havaldar in the Screening Committee

meeting held on 02.11.2016. On the basis of the written statement, the learned Addl. CGSC submitted that the O.A. be dismissed.

5. But, however, in support of the criteria followed, the Respondents have not produced any Office Memorandum. They have also not produced any records to demonstrate that said criteria have been followed strictly with respect to all the candidates.

6. In view of the above, at the time of hearing, it was strenuously submitted by the learned counsel for the Applicant that let the Respondents be directed to re-consider the case of the Applicant strictly according to the criteria. Accordingly, the O.A. is disposed of directing the Respondents to consider the case of the Applicant for appointment on compassionate ground strictly as per criteria once again in the next Screening Committee Meeting.

7. No order as to costs.

**(S.N. TERDAL)
JUDICIAL MEMBER**

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