

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT Sittings: Gwalior

Original Application No.202/01012/2018

Gwalior, this Friday, the 26th day of October, 2018

**HON'BLE SHRI R. RAMANUJAM, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Mukesh Savita
S/o Late Shri Naval Kishore Savita
Age 42 years,
Occupation Educated Unemployed
R/o B-989 Anand Nagar,
near Bada Park Bahodapur
Gwalior (M.P.) 474012

(By Advocate –Ms. Smrati Sharma)

V e r s u s

1. Comptroller & Auditor General
Of India, 9, Deen Dayal Upadhyay Marg
New Delhi PIN 110124

2. Accountant General (G.SSH)
Audit Bhawan,
Jhansi Road,
Gwalior M.P. 474002

3. Senior Deputy Accountant General (Admn.)
Office of the Accountant General (G & SSA)
M.P. Audit Bhawan,
Jhansi Road
Gwalior M.P. 474002

- Respondents

(By Advocate –Shri Avinash Kumar Dubey proxy counsel for Shri M.K. Sharma)

O R D E R (ORAL)
By R. Ramanujam, AM:-

Heard. The applicant has filed this O.A. seeking the following reliefs:

“8(i) The impugned order Annexure A/1 may kindly be quashed with all consequential benefits and respondents be directed to provide compassionate appointment to the applicant on suitable post as per his qualification.

(ii) Cost of the petition be awarded or any other order direction deemed fit in the circumstances of the case be issued in favour of the petitioner.”

2. It is submitted that the applicant was aggrieved by Annexure A/1 order dated 01.03.2018, rejecting his request for compassionate appointment on the ground that he could score only 70 marks based on various parameters against 125 and 90 aggregate points scored by the selected candidates. It is alleged that the matter had been considered for filling up three posts whereas only two appointments had been made. The applicant is unaware of the reasons why the 3rd vacancy was not filled. From para 5 of the impugned communication, it would appear that one Raghvendra Singh Gurjer had scored 85 marks and stood at the 3rd position. However, if the applicant had been ‘correctly’ assessed in respect of ‘job in family’ he would have been awarded 15 marks, as there was no person employed in any job in his family, it is contended.

3. At the time of interaction with the Departmental Screening Committee (DSC) the applicant had intimated them that he was working as a labourer with irregular and uncertain income and, therefore, he could not be considered to be in employment. He never informed DSC that he was doing a private job much less a regular job and, therefore, the finding recorded by the DSC in this regard was erroneous, it is alleged.

4. It is further submitted that if the applicant is awarded 15 marks under 'job in family' he would equal the marks scored by the said Raghvendra Singh Gurjer in which case, the respondents could consider his claim for the 3rd vacancy in terms of guidelines regarding preference to be granted in the event of a tie between two or more candidates.

5. We have considered the matter. A perusal of impugned order reveals that the applicant had been granted 'Zero' under 'job in family' as he had stated during interaction with the DSC that he was doing a private job. However, no documentary evidence such as any certificate issued by a revenue authority or report submitted after due inquiry in this regard seems to have been relied upon while arriving at the conclusion that the applicant deserved 'nil' marks under the 'job in family'. If the applicant is constrained to work as a labourer with irregular and uncertain income as a result

of a delay in consideration of his case for compassionate appointment, the fact of his earning a meager income therefrom cannot be held against him. Accordingly, we are of the view that the applicant's case could be reconsidered by the competent authority based on a credible enquiry as to whether the applicant or any members of his family is employed and if so, the income therefrom. If on such reconsideration, the applicant is granted full marks and thereby found to equal the aggregate marks scored by said Raghvendra Singh Gurjer and if the quota of compassionate worked out to three as alleged by the applicant instead of two, the respondents shall consider the matter further in accordance with the guidelines with regard to who should be preferred between the applicant and the said Raghvendra Singh Gurjer and pass a reasoned and speaking order within a period of two (02) months from the date of receipt of a copy of this order.

6. O.A. is disposed of in the above terms. No costs.

(Ramesh Singh Thakur)
Judicial Member
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(R. Ramanujam)
Administrative Member