

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00495/2017

Jabalpur, this Thursday, the 1st day of November, 2018

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Ku. Chandrawati Marabi
D/o Late Shri Chetu Singh
Aged about 28 years
R/o House No.1440/1
House of Purshottam Singh Thakur
Udaynagar No.1 Near V.F.J.
Sector II Jabalpur (M.P.)
Pin 482009 Mob. No.8982075408

-Applicant

(By Advocate –**Shri R.N. Roy**)

V e r s u s

1. The General Manager,
Vehicle Factory
Jabalpur (M.P.)
PIN Code 482009

2. Union of India,
Through Secretary
Ministry of Defence
(Ordinance Factories)
South Block
New Delhi 110001

- Respondents

(By Advocate –**Shri P.K. Chourasia**)

O R D E R (Oral)

Heard the learned counsel for both the parties and I have also gone through the pleadings and documents attached therewith.

2. The applicant has filed this Original Application against the action of the respondent-department whereby the name of the applicant has not been recommended by the respondents for appointment on compassionate grounds.

3. The applicant in this O.A. seeking for the following reliefs:-

“8.1 That, this Hon’ble Tribunal may kindly be pleased to direct the respondents to place the record of compassionate appointment before this Hon’ble Tribunal for the periods 2014 onwards and schemes/circular of compassionate appointment.

8.2 That, this Hon’ble Tribunal be further pleased to direct the respondents to consider the case of applicant for compassionate appointment as per criteria, scheme/circular properly and legally.

8.3 Any other direction order deems fit in the facts and circumstances of the case requires may kindly be passed by this Hon’ble Tribunal in favour of the applicant.

8.4 The cost of this petition be awarded to the applicant.”

4. Precisely the case of the applicant is that the applicant is unmarried daughter of the deceased Shri Chetu Singh who was posted as Fitter Auto S.A. and died on 14.05.2013, during the service period. The wife of deceased employee applied for the compassionate appointment of her daughter i.e. applicant, vide

application Annexure A/1 along with all the relevant documents. The case of the applicant was refused by the respondents vide letter dated 15.04.2015 (Annexure A/3) stating that she had obtained 46 marks out of 100 fixing criteria for selecting the candidates for compassionate appointment. Thereafter, the applicant submitted letter/notice (Annexure A/4) asking the respondent no.1 for not considering the various issues fixed in the criteria for the appointment. But the respondents have not given any response. The respondents vide letter dated 12.02.2016 (Annexure A/6) has informed that only 3 marks out of 15 marks has been given to the applicant in the head of movable and immovable property. The respondents further issued letter dated 02.02.2017 (annexure A-8) and 03.04.2017 (Annexure A/9), and have intimated that the applicant had obtained 46 marks out of 100 and the candidate who was appointed has obtained 65 marks and have enclosed a chart of giving marks in various heads. The applicant further submitted representation to the respondents stating that the marks awarded in various criteria fixed for compassionate appointment has not been considered and proper marks have not been given to the applicant. Hence the applicant is before this Tribunal.

5. The respondents in their reply have submitted that as per compassionate appointment policy, the applicant has obtained 46

marks in the year 2016 (Annexure R/1). The case of the applicant was placed before the screening committee meeting held on 16.07.2016 and the individuals scoring upto 61 marks could be recommended for appointment on compassionate ground. Therefore, applicant could not be recommended due to non availability of regular vacancy and the case will be considered on the next screening committee meeting. The applicant vide letter dated 03.04.2017 (Annexure R/3) could not be recommended in the next Screening Committee Meeting held on 01.03.2017 due to limited number of vacancies as the candidates scoring upto 65 marks were recommended.

6. The applicant in his rejoinder to the reply, submitted that the criteria for consideration of compassionate appointment by the respondents has led to some confusion. In column 9 of the table, terminal benefits have been considered and 5 marks had been awarded. In column 11 in the head of movable and immovable property only 3 marks had been awarded whereas there is no immovable property in the name of deceased employee.

7. The replying respondents have submitted additional reply to the rejoinder of the applicant regarding averments made in Para 2 of the rejoinder. It has been stated that GPF is taken into account as part of assets and not as part of terminal benefits in accordance

with OFB instruction dated 18.01.2006 (Annexure R/4). It has been specifically submitted by the replying respondents that the circular relating to scheme for compassionate appointment on relative merit points, revised procedure for selection dated 22.01.2010 (Annexure R/5) issued by the Government, has been followed strictly.

8. It is clear from the pleadings that there is a compassionate policy and points have been fixed for preparing the merit of the candidates. It is clear from the reply that under the various heads the marks have been allotted to the applicant. The applicant was also considered in the year 2016 and scored only 46 marks out of 100 by the Screening Committee under various heads, whereas the last selected candidate had scored 61 marks. However, from the reply of the respondents, it is also clear that in the year 2017 the applicant was again considered, and scored 46 marks whereas the last selected candidate had scored 65 marks under the relative merit point scheme.

9. From the rejoinder it is not clear that how the assessment has been done by the Screening Committee which is against the policy. Moreover, the applicant has failed to show any substantive evidence. However, in the additional reply of the respondents, it has specifically submitted that the case of the applicant has already

been considered by Screening Committee but owing less marks vis-à-vis other applicants, she could not be granted appointment on compassionate ground and the case of the applicant would be put up before the next Screening Committee as and when held.

10. Keeping in view the submissions, I am of the view that the applicant is failed to show any evidence on record that she has been wrongly assessed by the Screening Committee. However, the respondents are directed to consider the case of the applicant in the next Screening Committee meeting as and when held as it is clear as per Para 4 of the additional reply dated 16.8.2018.

11. Resultantly, this Original Application is disposed of. No costs.

(Ramesh Singh Thakur)
Judicial Member

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