

**Central Administrative Tribunal
Chandigarh Bench
(Circuit Bench at Jammu)**

**CP No.61/112/2018 IN
OA No.61/466/2013 &
MA No.61/1055/2018 &
MA No.61/1056/2018**

Decided on : 19.09.2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. P. Gopinath, Member (A)**

Joginder Kumar, age 45 years,
S/o Late Sh. Gian Chand (MES No.352664),
R/o V.P.O. Malhar,
Tehsil and District Udhampur.

... Applicant

(By Mr. Nitin Bhasin, Advocate.)

Versus

1. Maj. Gen. K.K. Repswal,
Chief Engineer, Northern Command,
Udhampur (J&K), C/o 56 APO.
2. Brig. Rahuman,
Hqr. Chief Engineer Udhampur Zone,
Udhampur (J&K),
C/o 56 APO.

... Respondents

(By Mr. Harshwardhan Gupta, Advocate)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :

1. The applicant filed OA No.61/466/2013 before this Tribunal seeking the relief regarding appointment on compassionate grounds. The OA was disposed of on 16.11.2015 with a direction to the respondents to consider the case of the applicant for appointment on compassionate grounds once again.
2. This CP is filed alleging that the respondents did not implement the directions issued in the OA.
3. We heard learned counsel for the applicant and learned counsel for the respondents.
4. The case of the applicant has been considered for appointment on compassionate grounds, but was rejected by stating certain reasons. Taking note of these facts, this Tribunal directed that the case of the applicant be considered once again.
5. The respondents required the applicant to furnish information on certain aspects. The applicant, however, feels that insistence on furnishing such information is opposed to the very direction issued by this Tribunal.
6. The concept for appointment on compassionate grounds was introduced in the light of a judgment rendered by Hon'ble

Supreme Court and it does not find place in any recruitment rules. The manner, in which the scheme is to be implemented, is also being indicated by the Supreme Court, from time to time. Except that there are some changes in the method of implementation, the requirement is that the appointment on compassionate grounds is to be made with a view to ensure that the family of an employee overcomes the difficulty due to the sudden death. In other words, if the family is otherwise self sustaining and is not in a penurious condition, the necessity to provide appointment on compassionate grounds does not arise. The matter needs to be examined on the basis of the information that may be furnished by the concerned applicant, or the one gathered by the department. Therefore, the applicant cannot refuse to furnish the information, if he wants his case to be considered, in view of the order passed by the Tribunal.

7. Across the bar, it is stated by learned counsel for the applicant that his client would provide the necessary information, within two months from today.

8. Therefore, we close the CP by observing that in case the applicant furnishes the information required by the respondents, within 60 days from today, the same shall be dealt with in terms of the order passed by the Tribunal, within 60

days further thereafter, and the result shall be communicated to the applicant.

9. Pending MAs, if any, shall also stand disposed of accordingly.

(P. Gopinath)
Member (A)
/rishi/

(Justice L. Narasimha Reddy)
Chairman