

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

LIBRARY

No. O.A. 350/01403/2015

Date of order : 29.11.2016

Present : Hon'ble Mr. Justice Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

SUMANT KR. SANGAM

VS.

UNION OF INDIA & ORS. (Textiles)

For the Applicants : Mr. P. Mukherjee, Counsel

For the Respondents : Mr. M.K. Ghara, Counsel

ORDER (Oral)

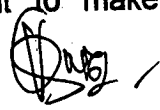
Per Mr. Justice Vishnu Chandra Gupta, Judicial Member:

Heard the Ld. Counsel for the applicant and Ld. Counsel for the respondents.

2. The applicant is the legal heir of the deceased Mohan Ram, who was working as Upper Division Clerk in the office of respondent No. 2. Shri Mohan Ram died in harness on 21.2.2009. The case of the present applicant was considered in a meeting of 'Committee of Officers' in the department on 9.12.2011 along with other incumbents seeking appointment on compassionate ground. The committee recommended as under:-

"Recommendation:

After a detailed discussion held on 09.12.2011 having regard to the fact that none of the dependants of Late Shri Bhola Nath Sarkar are employed and looking in the comparative assets & liabilities of the family of the deceased Govt. servants, the "Committee" is of the opinion to recommend the name of eligible candidates i.e. Shri Soumen Sarkar, Son of Late Shri Bhola Nath Sarkar to the Jute Commissioner (the authority competent to make compassionate



appointment) to consider him for appointment to the post of L.D. Clerk [PB-1 & G.P. Rs. 1900/-] in this office.

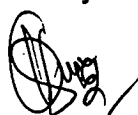
The Committee has also decided to recommend the name of Shri Sumant Kumar Sangam, S/o. Late Shri Mohan Ram to the CMD, National Jute Manufactures Corporation Limited (A Govt. of India undertaking), Chartered Bank Buildings, 2nd Floor, 4, Netaji Subhas road, Kolkata-700 001 for providing him a suitable job in the jute sector."

3. It reveals that though considering the comparative hardship, the preference to then existing vacancy under the quota of compassionate appointment was given to one Shri Soumen Sarkar, who was the son of Late Bhola Nath Sarkar. However, the applicant was also recommended for providing him a suitable job in the Jute Sector.


4. Thereafter, the applicant made representations but with no avail. The record reveals that the candidature of the applicant on his request was considered again with NJMC & NJMC and directed to consider the candidature of the applicant to engage him on contractual basis. It is not in dispute that the applicant declined the engagement on contractual basis and is claiming the accommodation against the regular vacancy. The department has informed that no vacancy under the quota of recruitment on compassionate appointment has yet occurred after the recommendation, hence appropriate employment could not be offered.

5. On the contrary the Ld. Counsel for the applicant pointed out that two vacancies have arisen as on 1.1.2014. Whether these vacancies fall within the quota for giving appointment on compassionate ground or not is not known to the applicant?

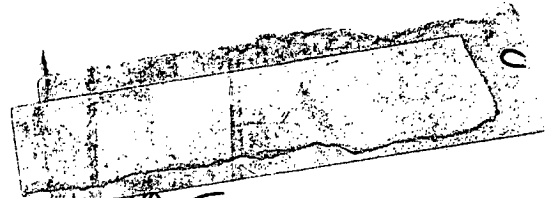
6. Hence we are of the view, that this O.A. may be disposed of with a direction upon the respondents that they shall calculate the vacancies from the date of recommendation till date and if there is any vacancy in the



regular post of LDC or equivalent post is available under the quota to be filled under compassionate appointment, the benefit of recommendation may be given effect to as expeditiously as possible.



(Jaya Das Gupta)
MEMBER(A)



(Vishnu Chandra Gupta)
MEMBER(J)

SP