

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No.O.A.350/01878/ 2015

Date of order: 27.7.16.

Present : Hon'ble Mrs. Bidisha Banerjee, Judicial Member

**TRIBHUBWAN NATH JESWARA
VS.****UNION OF INDIA & ORS.
(DEFENCE)**

For the applicants : Mr. N.P. Biswas, counsel

For the respondents : Mr. P. Mukherjee, counsel

ORDER

This is a case for compassionate appointment. The applicant being the son of Late Ram Sakal Jeswara who died in harness while working in Gun & Shell Factory, Cossipore, has assailed the order dated 14.08.2015 (Annexure A-6 to the O.A.) issued by the Joint General Manager for Sr. General Manager whereby and whereunder he was intimated that against the one available vacancy of Compassionate Appointment quota, a person who scored 63 points was considered for appointment and as the applicant scored only 58 points, he could not be accommodated.

2. Counsel for the parties were heard and records perused.
3. During the course of hearing, the ld. counsel for the applicant invited my attention to the merit lists of the applicants for compassionate appointment in Gun & Shell Factory, Cossipore (Annexure A-9 to the O.A.) wherefrom it appears that on each and every month starting from September, 2011 persons with scores less than 58 points, were recommended for appointment. Ld. counsel for the applicant argued that there was no reason for the respondents to overlook the case of the

applicant who scored 58 points as per the parameters fixed by the Department, therefore, his non-consideration for compassionate appointment is illegal, arbitrary and exhibiting clear malice in law and facts.

4. Per contra the respondents submitted that the applicant was rightly denied appointment since he scored lesser points than the candidate who was given appointment on compassionate ground.

5. It could be noted from the impugned order dated 14.08.2015(Annexure A-6 to the O.A.) that the respondents have assured that the case of the applicant would remain under consideration during the subsequent review as per the Government orders in force. However, the reason for which the applicant was not considered at the material time whereas the persons with lesser points than that of the applicant were granted appointments between the period from September, 2011 to December, 2012, is not known. In view of such, it could be noticed that the speaking order dated 14.08.2015 is full of false statements and misrepresentation.

6. Injustice being borne out from the above facts, the impugned order dated 14.08.2015(Annexure A-6) is quashed. Since the applicant was arbitrarily left out during September, 2011 to December, 2012 when several candidates with lesser score points than that of the applicant, were appointed on compassionate ground, the respondents are directed to grant appropriate appointment to the applicant.

7. Let appropriate orders be issued within three months from the date of receipt of a copy of this order.

8. The O.A. is accordingly allowed. No costs.

(BIDISHA BANERJEE)
Judicial Member