



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/00414/2015

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

RABIA BIBI & ANR.

VS

UNION OF INDIA & ORS.

For the applicants : Mr.B.Ray, counsel
Ms.T.Das, counsel

For the respondents : Mr.A.Mondal, counsel

Order on : 31.9.16.

O R D E R

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. Ld. Counsels for the parties were heard and materials on record were perused.

3. The grievance of the applicant in a nutshell is that the respondents were computing the terminal benefits received by the family for taking into account the amount that was deducted for satisfying an outstanding loan despite an observation of this Tribunal in OA 855/12 that the family had received Rs.1,39,785/- Such computing and enhancement of the amount from Rs.1,39,785/- to Rs.3,30,297/- caused consequent reduction in the allotted points from 80 to 79 making the son of the applicant ineligible to be offered compassionate appointment while the private respondent with 80 merit points was being offered as such.

4. Ld. Counsel for the applicant vociferously submitted that since the score of the applicant should be 80 and the private respondent with 80 score points has been found suitable to be offered employment assistance, the applicant would be entitled to identical benefit.

Ld. Counsel also invited my attention to a reply under RTI Act that the said private respondent Uma Das although considered was not offered appointment as she was not found eligible for appointment on compassionate ground with a qualification of only VIIIth standard, whereas the qualification of the son of the present applicant was B.Com. Therefore ld. Counsel would submit that the applicant being higher qualified, should get a preference in the matter of appointment against Group 'C' post over and above the widow Uma Das.

5. Per contra, ld. Counsel for the respondents submitted that since the authorities could not offer any appointment to Uma Das, both the applicant as well as the private respondent would be considered for suitable appointment against future available vacancies.

6. Ld. Counsel for the respondents would further submit at the Bar that the case of the applicant has been re-opened pursuant to the direction of the DOPT in 2010 and it is still under active consideration.


7. At this juncture ld. Counsel for the applicant would strenuously urge that since despite availability of vacancy private respondents could not be offered appointment the available vacancy of the year should go to the present applicant after raising his score point from 79 to 80.

8. The contentions were noted and considered. In view of the fact that the net amount received by the family was Rs.1,39,785/- and not Rs.3,30,297/-, it is directed that the authorities would review the score point of the present applicant within one month from the date of communication of this order. Based upon the revised score points they should consider the case of the present applicant against any vacancy available against unfilled vacancy of 2014, as indicated in Annexure A/20 to the OA, in case such vacancy is not

filled up either through Uma Das or otherwise or if already filled up against future vacancies.

9. The respondents shall consider the applicant appropriately in terms of the score points arrived at after review bearing in mind that as per the score point of earlier consideration the applicant would be clearly and eminently eligible for appointment.

10. The OA is accordingly disposed of. No order is passed as to costs.


(BIDISHA BANERJEE)
MEMBER (J)

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