

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH
CIRCUIT BENCH AT RANCHI
OA/051/00177/15**

Date of Order: 12/09/2018

C O R A M
HON'BLE MR. A.K. PATTNAIK, MEMBER[J]
HON'BLE MR. PRADEEP KUMAR, MEMBER[A]

1. Smt. Uma Das, Wife of Late Prahlad Das.
2. Rahul Kumar, Son of Late Prahlad Das both resident of Dhैया at Bartand, Harijan Basti, PO & District- Dhanbad (Jharkhand).

..... Applicants.

-By Advocate: - Mr. M.P. Dixit

-Vrs-

1. Union of India through the Secretary, Ministry of Labour and Employment, Government of India, New Delhi.
2. The Chief Labour Commissioner (Central), Ministry of Labour and Employment, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi.

..... Respondents.

-By Advocate - Mr. H.K. Mehta, Sr. Standing Counsel

ORDER
[ORAL]

Per A.K. Pattnaik, J.M.:- Heard Mr. M.P. Dixit, the learned counsel for the applicant and Mr. H.K. Mehta, learned Sr. Standing Counsel for the respondents.

2. This OA has been filed under Section 19 of the AT Act, 1985 with the following prayers:-

“(i) That Your Lordships may graciously direct the respondents to re-consider and issue offer of appointment letter in favour of the applicant no. 2, namely, Rahul Kumar on compassionate ground without any further delay as per his educational qualification.

(ii) Any other relief or reliefs including the cost of the proceeding may be allowed in favour of the applicants.”

3. By drawing my attention to the order dated 17.06.2010, Mr. Dixit submitted that due to non-availability of adequate vacancies the case of the applicant could not be considered for compassionate appointment by a competent Committee so constituted as per the instructions of the DoP&T. The learned counsel for the applicant while drawing our attention to the representation made by the applicant vide Annexure A/9 addressed to the respondent no. 2 submitted that till date the respondent is maintaining total silence. Therefore, the applicant is in complete dark. Mr. Dixit further submits that legislature intention of providing compassionate appointment was to help the distress family to tide over the sudden crisis due to the death of the sole breadearner. Therefore, while dilly dallying the decision the respondent authorities are not following the

appropriate legislation. The learned counsel for the applicant submitted that though the applicant has no vested right for appointment but certainly he has a right for consideration and he has been deprived of the said right.

4. On the other hand, the learned counsel for the respondents submitted that because of the delay on the part of the applicant the case of the applicant was considered once in 2010 but subsequently he has no immediate information regarding the outcome of the said representation. The applicant claims to have made a representation dated 29.01.2015 vide Annexure A/9. Mr. Dixit further submitted that the applicant has also earlier preferred another representation on 10.12.2011 and that also remained unanswered.

5. Therefore, without awaiting for the reply we think it proper to dispose of this OA by directing the respondent no. 2 to immediately consider the representation preferred by the applicant if they are still pending consideration and after subjective satisfaction regarding the indigent condition of the family by way of passing a reasoned and speaking order within a period of six weeks from the date of receipt of this order. After

such consideration, if the respondent no. 2 has the subjective satisfaction that the applicant's family is really in indigent condition then appropriate steps may be taken by the respondent no. 2 to refer the matter to the appropriate compassionate committee for consideration of the case of the applicant to appoint applicant no. 2 under compassionate appointment quota. However, we have made it clear that we have not expressed any opinion on the merit of the case. As prayed for by Mr. Dixit, a copy of this order along with paper book be transmitted to respondent no. 2 by speed post for which he undertakes to deposit the cost with the registry and a free copy of the order be handed over to the learned counsel for both the sides. The OA is disposed of accordingly. No order as to costs.

[Pradeep Kumar]/M[A]

[A.K. Pattnaik]/M[J]

Srk.