

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1239/2018

Dated Tuesday, the 08th day of January, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

Brahadeeswaran. K

Plot No. 58, Door No. 1947

Subramaniya Nagar Second Street

Machuvadi, Pudukkottai – 622 004.

...Applicant

By Advocate M/s S. Devie

Vs.

1. The Director General

Archaeological Survey of India

Janpath, New Delhi – 110 011.

2. The Superintending Archaeologist

Archaeological Survey of India

Chennai.

3. The Section Officer (Adm – II)

Archaeological Survey of India

No. 24, Tilak Marg, New Delhi.

...Respondents

By Advocate Mr.Su. Srinivasan

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records of the third respondent No. F.No-14-33/2017-Adm-II dated 16.08.2018 rejecting the claim of the applicant for compassionate appointment and quash the same and consequently to direct the respondents to appoint the applicant in any suitable post on compassionate basis and pass such further and other orders as may be deemed and proper.”

2. The grievance of the applicant is that the applicant's request for compassionate appointment following the death of his father while on duty on 23.12.2008, has not been considered favourably by the respondents. The respondents passed Annexure A-9 order dated 16.04.2018 stating that the applicant did not submit his application for compassionate appointment within five years and as such it could not be considered as per the guidelines issued by the DOPT OM dated 16.01.2013. The Committee constituted by the competent authority considered the case of the applicant for grant of compassionate appointment in its meeting held on 27.09.2017 & 26.02.2018 and decided not to recommend the case of the applicant in terms of Para 9(a) of the said OM of DOPT.
3. Learned counsel for the applicant would allege that the applicant had made an application for compassionate appointment in 2013 itself

within five years but the same was not forwarded by the then Superintending Archaeologist. The forwarding letter dated 21.04.2017 at Annexure A-8 is referred to in this regard. It is further submitted that by a subsequent clarification dated 26.07.2012, the DOPT has withdrawn the time limit for consideration of the compassionate appointment cases and as such the rejection of the applicant's case by impugned A-9 communication dated 16.04.2018 was untenable.

4. Learned counsel for the respondents would, however, submit that the applicant's case was dealt with in terms of OM dated 16.01.2013 and accordingly it was not recommended. However, if the DOPT has subsequently withdrawn the time limit for such cases, the matter could be processed accordingly.

5. We have considered the submissions. From Annexure A-6 application in prescribed form, it is clear that first of all, the applicant had submitted the request for compassionate appointment on 08.08.2013, within five years of the date of death of his father. Even otherwise, he is covered by subsequent decision of the DOPT vide OM dated F.No.14014/3/2011- Estt(D) dated 26.07.2012 withdrawing the time limit for consideration of compassionate appointment cases. I, therefore, have no hesitation in setting aside Annexure A-9 communication of the respondents dated 16.04.2018 and directing them to place the matter before the relevant committee for an objective assessment of the applicant's claim and a decision thereof. This exercise shall be completed

and a reasoned and speaking order passed on the applicant's claim within a period of three months from the date of receipt of a copy of this order.

6. OA is disposed of as above. No costs.

(R.RAMANUJAM)
MEMBER (A)
08.01.2019

M.T.