

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1941/2016

Dated Tuesday, the 08th day of January, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

1. S. Komala

10/225, Melatheru

Ayyappa Nagar, Thuvakudy Post

Trichy 620 015.

2. S. Prem Kumar

10/225, Melatheru

Ayyappa Nagar, Thuvakudy Post

Trichy – 620 015.

...Applicant

By Advocate M/s Paul & Paul

Vs.

1. Union of India

Rep. by its Secretary

Ministry of Defence

New Delhi – 110 011.

2. Director General of Quality Assurance

Department of Defence Production (DGQA)

New Delhi 110 011.

3. The Senior Quality Assurance Officer

Senior Quality Assurance Estt. (ARMAMENTS)

Tiruchirappalli – 620 016.

...Respondents

By Advocate Mr. M.T. Arunan

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

Heard. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“a. For quashing of impugned rejection order of the 2nd respondent dated 19.08.2014 and 3rd respondent impugned rejection order No. 0026/1/E dated 11.02.2016 and

b. for consequential direction to respondents 2 to 3 to consider and appoint the 2nd applicant on compassionate ground in the light of their clarification DOP&T OM No. 14014/02/2012-Estt(D) dated 25.02.2015

c. for such further or other relief or reliefs.”

2. The grievance of the applicants is that the request of the first applicant for compassionate appointment to her son, the second applicant following the death of his father on 17.06.2009 had been rejected for the year 2011-2012 on the ground that the family had scored only 28 marks out of 100, based on the criteria prescribed by Ministry of Defence for assessment of relative indigence. His position in the merit list was 55 against only 11 vacancies available in Group C posts. However, he was informed that his case would be considered again in the year 2012-2013.

3. Subsequently, by Annexure A-4 communication dated 19.08.2014, the applicant was informed that a married son would not be eligible for compassionate appointment. As the second applicant herein was married, no compassionate appointment could be offered to him. Later, the DOPT clarified that a married son could also be granted compassionate

appointment, if the criteria laid down for assessing indigence was met by the family. Accordingly his case ought to have been considered for the year 2012-2013. However, on pursuing the matter further, the respondents conveyed through Annexure A-9 letter dated 11.02.2016 that the second applicant had secured low merit points of 28 only and, therefore, the indigence of the family was not established. It was concluded in the meeting of the board held on 28.07.2015 that it was not a fit case for grant of compassionate appointment.

4. Learned counsel for the applicant would argue that the break up of 28 merit points granted to the second applicant had not been communicated to him. Nor does the reply filed by the respondents disclose any details. This information was essential for the applicants to satisfy themselves that the family had been assessed correctly under various criteria. Further, the respondents had conveyed that the applicant's case had been considered four times from the year 2011-2012 to 2014-2015 without disclosing the outcome of each year in terms of his merit points as also the merit points of the last selected person under compassionate appointment. On the other hand, it is evident that his case had not been considered for the year 2012-2013 on the ground of marriage. Accordingly, he prays for an appropriate direction by this Tribunal in this regard.

5. Learned counsel for the respondents would, however, argue that

the applicant had been assessed objectively and his aggregate merit point stood at 28 which is clearly very low while considering the relative indigence of such families. There is no evidence that any person scoring below 28 had been granted appointment and, therefore, the grievance of the applicant was imaginary.

6. I have considered the facts of the case. It is not in dispute that although the applicant's case is stated to have been considered four times, the applicant was never disclosed the details of the merit points granted to him under various criteria as also information regarding the aggregate merit points of the last selected candidate for compassionate appointment in each of the four years. These details have not been disclosed in the reply filed by the respondents either. Accordingly, I am of the view that this OA could be disposed of with a direction to the respondents to disclose to the applicant the details of the relative merit points granted to him under various criteria in each of the four years from 2011-2012 to 2014-2015 and also the aggregate merit point of the last selected candidate under compassionate appointment in each of these years.

7. The applicant shall also be informed of whether his application was considered after 2014-2015 and if so with what outcome as there is no limit on the number of times a case could be considered for compassionate appointment as per the latest guidelines of the DoPT. A

reasoned and speaking order shall be passed within a period of three months from the date of receipt of a copy of this order.

8. OA is disposed of in the above terms. No costs.

**(R.RAMANUJAM)
MEMBER (A)
08.01.2019**

M.T.