

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1775/2016

Dated Tuesday, the 08th day of January, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

P.Muthukrishnan,
S/o.Late R.Paramasivam, No.16,
Thathan Pillayar Koil Street,
Narasingamangalam, S.Kannanur,
Manachanallur, Trichy 621 112.

...Applicant

By Advocate M/s R.Saravanakumar

Vs.

1.The Principal Chief Commissioner of Income Tax,
121, Mahatma Gandhi Road, Nungambakkam,
Chennai 600 034.

2.The Deputy Commissioner of Income Tax,
Headquarters (Administration),
121, Mahatma Gandhi Road,
Nungambakkam, Chennai 600 034.

...Respondents

By Advocate Mr.M.T.Arunan

(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 direct the respondents to appoint the applicant in the respondent's Department on compassionate grounds and pass such further or other orders, as this Hon'ble Tribunal may deem fit and necessary in the circumstances of the case and thus render justice.”

2. It is submitted that following the death of the applicant's father on 02.11.2013, the applicant requested for compassionate appointment by a representation dated 16.06.2014. He was directed to appear before a Committee on 30.12.2014. The applicant appeared before the Committee and answered the questions raised by them. However, by proceedings dated 21.04.2015, the second respondent rejected the application of the applicant on the ground that it was not a fit case for compassionate appointment in the department. When the applicant sought information under the RTI Act, it was disclosed that the applicant's family owned a house in Samayapuram and, therefore, the applicant was not in need of a compassionate appointment. Aggrieved by such summary rejection of his representation allegedly without proper inquiry, the applicant has filed this OA.

3. On perusal, it is seen that neither the Annexure A-3 impugned memorandum dated 21.04.2015, nor the reply filed by the respondents in

the OA discloses the manner in which the financial condition of the family of the applicant was assessed by the Committee constituted for this purpose. It appears that no objective assessment as prescribed under the scheme of compassionate appointment had been carried out except to rely on the report of one K.Visalakshi, Inspector of Income Tax to the effect that the family of the applicant owned a house with a total plot area of 331.23 Sq.Mt. and a build up area of 299.63 Sq.Mt. As the fact of the applicant's dependence on his deceased father is not in dispute, the respondents ought to have made a objective assessment in terms of Relative Merit Points (RMPs) under various criteria before arriving at a conclusion one way or the other.

4. The representation could only be rejected if the applicant failed to obtain the minimum aggregate RMPs. As this procedure does not seem to have been followed, I have no hesitation in setting aside Annexure A-3 impugned communication dated 21.04.2015 and directing the competent authority to make an objective assessment of the financial condition of the applicant's family in terms of the norms prescribed by the DOPT under the compassionate appointment scheme. If on the basis of such assessment, the applicant is found to score an aggregate RMP above the RMP of the last selected candidate under the category of compassionate appointment in the year 2015, the applicant shall accordingly be considered for compassionate appointment.

5. In the event of the applicant failing to score the minimum cut off for the year, the applicant's case shall be considered for the subsequent years by a similar process and the applicant informed of the outcome thereof. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. OA is disposed of accordingly.

(R.RAMANUJAM)
MEMBER (A)
08.01.2019

M.T.