

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00150/2018

Dated Thursday the 24th day of January Two Thousand Nineteen

CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)

M.Vaidyanathan,
S/o. Murugasamy,
Residing at No. 22, Sivan Koil Backside,
Bahour, Puducherry 607402.

....Applicant

By Advocate M/s. R. Saravanan

Vs

1.Union of India,
rep by the Chief Secretary to Government,
Government of Puducherry,
Pondicherry.

2.The Secretary to Government,
Department of Fisheries,
Government of Pondicherry,
Pondicherry.

3.The Director,
Department of Fisheries and Fishermen Welfare,
Government of Puducherry,
Botanical Garden Premises,
Puducherry 605001.

4.The Secretary to Government,
Dept. of Personnel & Administrative Reforms,
Goubert Avenue, Chief Secretariat, Puducherry 1.

....Respondents

By Advocate Mr. R. Syed Mustafa

ORAL ORDER

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

Heard. The applicant has filed this OA seeking the following reliefs :

"a. Call for records on the file of the 3rd respondent relating to the impugned order dated 27.12.2017 bearing Ref. No. 4913/DFFW/Estt/E1/2017/883, passed by the 3rd respondent and quash the same,

b. and consequently direct the respondents to grant appointment to the applicant in any appropriate Group C or Group D post on compassionate basis with all service, monetary and other benefits and backwages,

c. and pass such further or other orders and thus render justice."

2. The grievance of the applicant is that his request for compassionate appointment following the death of his father while in service on 11.06.2011 had not been acceded to. The deceased Government employee was survived by the applicant, his ailing mother and elder brother. The applicant had earlier approached this Tribunal in OA 1656/2017 which was disposed of by this Tribunal by an order dt. 27.10.2017 directing the respondents to pass a reasoned and speaking order. The impugned order dt. 27.12.2017 came to be passed in compliance thereof rejecting the request of the applicant. Accordingly, the applicant is before this Tribunal in this 2nd round of litigation.

3. Learned counsel for the applicant would submit that although the respondents were directed to pass a reasoned and speaking order, what is stated in the impugned order is only the fact that the applicant could not be accommodated due to non-availability of adequate number of vacancies in the department in Group-C & Group-D posts. It is stated that the number of vacant

posts was only 16 out of which 5% worked out to 0.80 and only one person could be appointed. It is also stated that the same was offered to one Kasi Pramila Kumari at the office of Assistant Director, Yanam. As for the request of other applicants including the applicant herein, the same were forwarded to DP & AR, PWD, Puducherry for consideration against vacancies in a common pool. However, thereafter, the screening committee of DP & AR, PWD, Puducherry rejected the applicant's claim for the following reason :

"The circumstances of the family do not satisfy the conditions laid down by the Government of India for compassionate appointment and the family do not warrant any compassionate appointment"

4. It is contended that the applicant's case ought to have been considered in terms of the financial condition of the family as determined under various criteria and relative merit points assigned therefor. The impugned order does not convey to the applicant the relative merit points assigned to the applicant under various criteria, nor any information regarding the aggregate merit points of the last selected candidate in the category of compassionate appointment under the common pool. As such, the Screening Committee appears to have taken the decision subjectively in violation of the provisions of the compassionate appointment scheme issued by the DoPT, it is contended.

5. Learned counsel for the respondents would submit that the respondents would not be averse to communicating all the relevant details to the applicant, if so directed by this Tribunal.

6. On perusal, it is evident that the impugned order does not disclose the relative merit points of the applicant so as to satisfy him that his case was considered fairly and objectively with due application of mind. I am, accordingly, of the view that this OA could be disposed of with a direction to the respondents to pass a reasoned and speaking order duly disclosing the manner in which the applicant's case was processed, various criteria considered to assess the financial condition of the family, total aggregate merit points awarded to the applicant along with the break-up thereof, the aggregate merit points of the last selected candidate, etc in the relevant year within a period of two months from the date of receipt of a copy of this order. The respondents shall also communicate to the applicant if his case was considered thereafter for the next year and if so, the outcome thereof in terms of the same details.

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

(R. Ramanujam)
Member(A)
24.01.2019

SKSI