

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI
OA No. 2643/2017**

New Delhi, this the 05th day of March, 2019

Hon'ble Mr. Pradeep Kumar Member (A)

Sh Om Prakash Solanki @ Pawan
S/o Late Basanta
R/o D-5, Main Road, Village Dayalpur,
Delhi-110094

.....Applicants

(By advocate : Mr Jawahar Singh)

Versus

1. Secretary,
Ministry of Urban Development & Poverty Alleviation,
Nirman Bhawan, New Delhi-110011
2. Hon'ble Lieutenant Governor,
Raj Niwas, Sham Nath Marg,
Delhi-110054
3. Vice Chairman
Delhi Development Authority
Vikas Sadan, INA
New Delhi-110023
4. Commissioner (Personnel),
Delhi Development Authority,
Vikas Sadan-110023

.....Respondents

(By advocate : Ms Sriparna Chaterjee and Ms Harvinder Oberoi)

ORDER (O R A L)

Mr. Pradeep Kumar Member (A):

1. The father of the applicant was working as Beldar with the respondents Delhi Development Authority (DDA). He had unfortunately died on 28.12.2011. The applicant therein applied on 21.08.2012 for consideration of compassionate ground appointment. This request was rejected on

30.04.2015. In this letter, it was also advised that the applicant's case was considered by the standing committee in their meeting held on 24.02.2015, 26.02.2015, 27.02.2015, 03.03.2015 and 18.03.2015 and applicant's case was found ineligible as all the children of deceased employee were already married and there was no liability left out and condition of family was not penurious.

2. The applicant pleaded that after death of his father, the respondents had conducted an enquiry and a copy of the report was submitted vide annexure R1 of the counter reply, wherein family position was shown. It was brought out that this report was prepared without visiting the residence of the applicant as even one of the name of the family members was written as "illegible".

This shows that applicant's case has not received the due evaluation by the respondents and rejected. This cannot be allowed.

3. The respondents opposed the applicant. The respondents drew attention to the original copy of the report prepared by the welfare inspector after visiting the residence. This report was prepared on 15.04.2013 and it contains the signatures of two witnesses also who were residents of Dayalpur, Delhi. This report is prepared in hand and it indicates the names of all the 6 family members and also the fact as to whether they are married or unmarried and whether they are unemployed or employed somewhere. This report also indicates the details in respect of bank balance, family pension, costly items owned by the family, salaries, other income of the family and whether they hold any residential property also.

4. The respondents also drew attention to the minutes of the meetings held by the screening committee on 22.03.2015. The applicant's name appears at serial no 124 thereof and the remarks column indicates as under:-

“Not recommended owing to:

- (i) All children are married*
- (ii) No liability*
- (iii) Family not in distress condition.”*

In accordance with this, the applicant's case was rejected and this was advised to the applicant vide letter dated 30.04.2015.

5. The applicant has also mentioned that he is a disabled person as per a certificate issued by a hospital in the year 2008. It was pleaded that this aspect of disability has not been taken into account yet.

The respondent however brought out that it was for the first time ever in the representation dated 22.05.2017 that the fact of disability was brought out by the applicant. The earlier representations submitted on 21.08.2012, May 2015 and 20.10.2016 made no mention whatsoever about the disability.

Subsequently the applicant had also made certain representations to Hon'ble Lieutenant Governor of Delhi, Vice-chairman, DDA and Director (Personnel), DDA on the same subject with reference to DDA letter dated 03.11.2017, following has been advised to the applicant:

“This is with reference to your various references addressed to Hon'ble LG Delhi, VC/DDA and Director (P) DDA on the subject cited above. In this connection, it is to inform you that your case has been rejected by the Screening Committee held on 2015. Now, your case is to be placed before the Appellate Committee as and when it will be held.”

In accordance with above, the applicant's case will now be put before the appellate committee as and when it will be held. The meeting shall be held when sufficient numbers of vacancies under compassionate ground appointment get accumulated.

6. Matter has been heard at length, Mr Jawahar Singh represented the applicant and Ms Sriparna Chatterjee represented the respondents, DDA.
7. Compassionate ground appointment is not a vested right. It is a benevolent consideration to be extended by the respondents to take care of the distress being faced by the bereaved family and to avoid conditions of

penury being faced by them in the immediate aftermath of death of earning member. In the instant case, this consideration has already been extended.

However, the applicant's request could not be agreed.

8. It also needs to be appreciated that total number of posts available under compassionate ground are also very limited and there may be many more candidates with competing claims.
9. Further, respondents have themselves noted that the case will be put before the appellate committee (para 5 supra). However, since time period of more than a year has already lapsed since this decision was taken, the committee meeting cannot be postponed indefinitely.
10. In view of foregoing, the respondents are directed to put up the matter before the said Appellate Committee within a period of six months from now who shall consider the same, along with other cases as are put up, and take a decision on the matter. A reasoned and speaking order shall be passed by the respondents. It shall be advised to the applicant within eight weeks of meeting of said committee. OA disposed off with these directions. No order as to cost.

(Mr. Pradeep Kumar)
Member (A)

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