

**Central Administrative Tribunal
Principal Bench**

**CP No.22/2019
in
OA No.2705/2017**

New Delhi, this the 11th day of March, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Rakesh Kumar
S/o Late Babu Lal
D-II, House No.1008,
Madan Pur Khadar, JJ Colony,
New Delhi 110 076.

... Applicant.

(By Advocate : Shri Yatiranjana)

Vs.

1. B. S. Murthy
The Director (A&V)
Directorate General of Health Services
Ministry of Health & Family Welfare,
(Nursing Section)
Nirman Bhawan,
New Delhi 110 001.

2. Harinder Jeet Goyal
Principal
R.A.K. College of Nursing
Lajpat Nagar,
New Delhi 110 024.

... Respondents.

: ORDER (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant filed OA No.2705/2017 stating that the respondents did not consider his case for appointment on compassionate basis. The ground pleaded by the respondent was that the applicant did not qualify for any

post whatsoever, since he was just passed 8th class. The OA was disposed of on 11.09.2017 directing the applicant to make a fresh representation to the respondents, and the latter, in turn, was directed to consider his case taking into account, the financial condition of the family.

2. The applicant filed CP No.108/2018 alleging that the order passed in OA No.2705/2017 was not complied with. That was disposed of on 24.05.2018 directing that the respondents may consider the feasibility of relaxing the educational qualification in the context of providing appointment on compassionate grounds. This CP is filed alleging that the respondents did not comply with the directions issued by this Tribunal.

3. We heard Shri Yati Ranjan, learned counsel for the applicant in detail.

4. A measure evolved by the Hon'ble Supreme Court to rescue the families which become vulnerable to penury on account of an untimely death of a Government employee has taken such proportions, which the Hon'ble Supreme Court would never have anticipated. Over the period, it virtually became a matter of succession. Claims are pouring irrespective of the extent of the benefits that accrue to the family on account of the death of the employee and

the economic condition or educational qualifications of the dependents. Though the respective departments of the Government have been evolving objective criteria to consider applications, claims are pouring in such a way that hardly any attention is paid to the efficiency in public service.

5. The applicant was aged 47 years by 2017, and even being a resident of Delhi and son of a Government employee, he could not complete 8th class. At that age, one does not expect him to be dependent on anyone. The application submitted by him was not considered on the ground that he does not qualify for any post whatsoever. Without even citing any provision of law or an authoritative pronouncement that provides for relaxation of the minimum educational qualification, the applicant went on pursuing one remedy or the other. The half-hearted observations made by this Tribunal at various stages cannot constitute any basis to consider his case for appointment on compassionate grounds at the age of about 50 years, without his holding the basic qualification. Public service cannot be reduced to such a ridiculous levels of rehabilitation centres. The Nation cannot afford to employ persons without any qualification to public services at time when post graduates are competing for posts of the lowest category.

6. The Contempt Petition is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/