

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A No. 1399/2018

This the 23rd day of August, 2019

Hon'ble Ms. Aradhana Johri, Member (A)

Sadanand Rai
S/o. Late Shri Hari Nath Rai
A-93, UGF, Jain Park,
Uttam Nagar, New Delhi-110 059. ...Applicant

(By Advocate : Mr. Aayushman Vatsyayana for Mr. Deepak Anand)

Versus

1. Union of India
Development Commissioner
Micro Small and Medium Enterprises
A Wing, 7th Floor,
Nirman Bhawan, New Delhi.
2. Ministry of Urban Development
Government of India,
Estate Officer,
Directorate of Estates,
Room No. 513, 'C' Wing,
Nirman Bhawan,
New Delhi. ...Respondents

(None)

O R D E R (O R A L)

The applicant Sh. Sadanand Rai is the son of the deceased Shri Hari Nath Rai, who was Daftary with the respondents-organisation, at the time when he expired on 27.09.2012. This is the second round of litigation. The applicant's case was rejected by the respondents vide order

dated 31.08.2015 against which he filed O.A No. 3788/2015, wherein this Tribunal passed an order on 07.09.2017 setting aside the impugned order of the respondents and directing them to consider the case of the applicant for appointment on compassionate grounds within four months from the date of receipt of a certified copy of this order. Thereafter, the respondents considered the case along with 149 other matters on compassionate appointment and rejected it on merit on 03.10.2017 stating that the applicant secured only 47 points and therefore, cannot be considered on merit.

2. This O.A has been filed against the order dated 03.10.2017. It is the contention of the applicant that he and his family's situation is not good and he should get the appointment on compassionate grounds.

3. In the counter, the respondents have clearly stated that a committee was constituted for the purpose as per guidelines/instructions issued by DoP&T O.M. dated 16.01.2013 on the basis of the criteria adopted by the Department of Posts and Ministry of Defence. Respondents followed the criteria laid down by Department of Post and Ministry of Defence. The merit list was drawn up keeping in mind 4 vacancies in the grade of LDC and 8

vacancies in the grade of MTS. They have further stated that applicant was considered and he secured merit points lower than the cut off allotted to LDC. Therefore, his candidature cannot be accepted.

4. Heard Mr. Aayushman for Mr. Deepak Anand, learned counsel for applicant.

5. It is clear that the case of the applicant has been considered along with other such cases by the committee specifically set up for the purpose on laid down criteria.

6. The applicant has not been selected since he secured points lower than the cut off for LDC.

7. I am of the view that keeping these circumstances in mind the O.A has no merit and is dismissed. No order as to costs.

8. In case the applicant wishes to find out more details regarding the criteria adopted, he may approach the relevant forum for the same.

(Aradhana Johri)
Member (A)

/Mbt/