

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.2147/2018

New Delhi this the 3rd day of September, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Laxmi Devi (aged 38 years)
W/o late Vinod Nagar,
H.No.501/5, Nai Basti,
Kishan Ganj, Delhi-110006 - Applicant

(By Advocate: Mr. Suresh Sharma for Mr. MK Bhardwaj)

Versus

Prasar Bharati through its CEO,
(Broadcasting Corporation of India)
All India Radio, New Delhi - Respondent

(By Advocate: Ms. Vertika Sharma)

ORDER (Oral)

The applicant has filed the present Original Application (OA), seeking the following reliefs:-

“a) The court may direct the respondent to recruit and appoint the applicant on the post of LDC with his regular original seniority i.e. from the date of death of her husband 9/10/10 on the 5% direct quota of recruitment under the rules with all her seniority from the date of her entitlement on the basis of her application.

2. It is the case of the applicant that after her husband, while working on the post of UDC, died on 09.10.2019, she had made an application for appointment on compassionate grounds under the 5%

direct quo but till date the status of her application is not being disclosed to her nor are the details of vacancies being given to her. The applicant has also alleged that she has come to know that several persons junior to her husband have been appointed by manipulating the counting system of the points on application and consequently, the applicant is being denied her legitimate right. Being aggrieved with this inaction of the respondents, the applicant has filed the present OA.

3. The respondent, while contesting the OA, has filed their CA in which they have been able to show that they have devised grading points by formulating Standard Operating Procedure for consideration of compassionate appointment cases in Prasara Bharati in view of procedures and instructions as contained in DOPT OM No.14014/02/2012-Estt(D) dated 16.01.2013 (a compilation of DoPT's OM No.14014/02/2012-Estt.(D) dated 09.10.1998 and subsequent instruction on compassionate appointments are followed. They are also able to show from the CA that for appointment of 07 vacancies under 5% quota for the year 2011, 2012 and 2013, a meeting of screening committee was held on 14.06.2014, all 154 cases, including the case of the applicant were placed before the committee and on the

basis of SOP grading, out of 154 applications, only 07 applicants who scored the highest points were recommended and 147 cases including her case could not be selected. They have further been able to show that for appointment of 03 vacancies under 5% quota for the year 2014 and 2015, a meeting of screening committee was held on 15.02.2017, all 173 applications, including the case of applicant were placed before the committee and on the basis of SOP grading, the applicant scored only 81 points and out of total 173 applicants, 03 applicants who scored highest points were recommended and as such, the applicant could not be selected against the same. They have also been able to show that the process for appointment on compassionate grounds for the year 2016 and 2017 is underway and the meeting of screening committee is likely to be held very soon and the case of the applicant will be considered again in the next screening committee meeting for the vacancy for the calendar year 2016 & 2017. In view of the submission for the respondents, it is clear that the cases of all the Prasar Bharti employees for the vacancy year 2011-2015 on compassionate grounds have been duly considered as per Standard Operating Procedure by the said Screening Committee. Hence, we do not find any illegality in the

action of the respondent in consideration which has already been taken place in the screening committee meetings of 14.06.2014 and 15.02.2017 as the case of the applicant had been considered and only the applicants who scored higher marks as against the number of vacancies available were recommended for appointment on compassionate basis.

4. We also note that it is not within the domain of the Tribunal to give the points on the basis of the details provided by the applicants and it is the prerogative of the respondents to assess the eligibility of the applicants and accordingly award the points on the basis of the details provided by them. In the case of **Nanak Chand v. Delhi Jal Board**, 2007(140)DLT 489, the Hon'ble High Court clearly held as under:-

“14. The mandate of the Supreme Court is very clear from the aforesaid judgments that it is not for the High Court in exercise of its powers under Article 226 of the Constitution of India to interfere with the decision arrived at by the competent authority while considering the eligibility of an applicant for appointment on compassionate basis and all it can do is to see whether the decision of the competent authority is vitiated. Having scrutinized the cases in hand in the aforesaid background, this Court does not consider it appropriate to interfere with the findings of facts and the conclusion arrived at by the competent authority.”

5. However, in view of the submissions of the respondents that they are considering the case of the applicant for vacancy for calendar year 2016 and 2017, the meetings for which will be held shortly, we direct the respondents to finalize the decision in the meeting of the Screening Committee at the earliest and not later than 90 days and inform the applicant of this OA of their decision within one month of the said meeting.

6. With the above directions, the OA is disposed of. No costs.

(Nita Chowdhury)
Member (A)

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