

**Central Administrative Tribunal
Principal Bench**

OA No.2031/2018

New Delhi this the 20th day of August, 2019

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

Kishore Dhakate,
S/o late Sudhakar Dhakate,
(Section Officer, Deptt. of Agriculture &
Cooperation, Kirshi Bhawan, New Delhi)

R/o House No.7, Gali No.10,
Saket Block, Mandawali,
New Delhi-110092

- Applicant

(By Advocate: Mr. Avnish Singh)

VERSUS

1. Secretary,
Department of Agriculture & Cooperation,
Ministry of Agriculture and Farmers Welfare,
Government of India,
Krishi Bhawan, Dr. Rajendra Prasad Road,
New Delhi-110001
 2. Joint Secretary,
Department of Agriculture & Cooperation,
Ministry of Agriculture and Farmers Welfare,
Government of India,
Krishi Bhawan, Dr. Rajendra Prasad Road,
New Delhi-110001
 3. Under Secretary (E-III)
Department of Agriculture & Cooperation,
Ministry of Agriculture and Farmers Welfare,
Government of India,
Krishi Bhawan, Dr. Rajendra Prasad Road,
New Delhi-110001
- Respondents

(By Advocate: Dr. Ch. Shamsuddin Khan)

ORDER (Oral)

The applicant has filed this OA, seeking the following reliefs:-

- “1. To pass an order directing the respondents to provide Compassionate Appointment in accordance with OM 14014/6/94-Estt (D) issued by the DOPT, to the applicant against the vacancy fall vacant due to death of applicant's father/late Sudhar Dakate in dying in harness;
2. to pass such other and further order(s) as this Hon'ble Tribunal deem fit and proper in the circumstances of the case.”

2. It is the case of the applicant that his father, late Mr. Sudhakar Dhakate, died during his service on 02.08.2015 leaving behind his wife and son (applicant herein). The applicant has pleaded that he was the sole bread earner of his family and after his death, his family is facing acute financial hardships as they have no source of income for their livelihood. The applicant has thus made several representations dated 15.10.2015, 12.12.2017, 24.01.2018 and 04.05.2018 to the respondents for appointment on compassionate basis. Finding no response, the applicant has filed the present OA.

3. In reply to the OA, the respondents have stated that as per DoPT instruction dated 20.04.2005 (Annexure 6),

85% direct recruitment vacancies occurring in the Grade of LDC were ordered to be abolished w.e.f. 2005 and abolition of direct recruitment vacancies in the LDC grade indirectly led to tremendous decrease in the number of vacancies falling under compassionate appointment quota in each of the recruitment year 2005. Consequently, only very few posts remained in which there was element of direct recruitment against which compassionate appointment could be made. One such grade is that of MTS against which compassionate appointment could be made. The respondents have submitted that the vacancy for compassionate appointment had occurred only in the year 2017 and accordingly, to obtain the required information, they have forwarded the proforma vide letter 22.05.2018 to the applicant to complete and submit the same so that his name could be considered along with other applicants/dependents of the deceased Govt. servant. They have further contended that they have received the requisite information in prescribed proforma only on 11.06.2018 and the matter for compassionate appointment is under active consideration.

4. From the above, it is clear that the respondent – Ministry of Agriculture Cooperation & Farmers Welfare is

preparing to fill one post of MTS on compassionate basis and therefore decided that all the applications for compassionate appointment pending in this Department will be considered afresh as shown from letter No.12012/1/2018-E.III 22.05.2018 issued by the respondents. Hence, in view of the same, the respondents are directed to take up the matter of compassionate appointment of the applicant along with the others and complete all the formalities required as per the Scheme of Compassionate Appointment within 60 days of receipt of a copy of this order and communicate their final decision so taken to the applicant within 30 days from the date of the decision of the Screening Committee.

5. With the above directions, the OA is allowed. No order as to costs.

(Nita Chowdhury)
Member (A)

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