

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

O.A. NO.132 of 2019

This the 20<sup>th</sup> day of August 2019

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

Phool Kumar  
S/o Late Sh. Mahender Singh  
R/o H.No.73, Durga Enclave,  
ITI Road, Jaffarpur Kalan,  
New Delhi-110073.

....Applicant

(By Advocate : Shri Ansar Ahmad)

VERSUS

1. Govt. of NCT Delhi  
Ministry of Transport,  
Through its Chief Secretary,  
New Secretariat, I.P. Estate,  
New Delhi-11002.
2. The Secretary,  
The Services Department,  
Branch-II, G.N.C.T. of Delhi  
At Delhi Secretariat, 7<sup>th</sup> Level B-Wing, I.P. Estate,  
New Delhi.
3. The Secretary,  
Transport Department,  
Administrative Branch,  
Government of N.C.T. Delhi  
5/9, Under Hill Road, Delhi-54.

.....Respondents

(By Advocate : Ms. Esha Mazumdar)

**O R D E R (Oral)**

By filing this OA, the applicant is seeking the following  
reliefs:-

- “1. Direct the respondents to appoint the applicant on  
compassionate ground in any department on any

post as this Hon'ble Tribunal may deem fit and proper in light of facts mentioned above.

2. Direct respondents to pay Cost of litigation and pleader fees will also be awarded as this Hon'ble Tribunal may deem fit and proper in favor of the applicant.
3. Pass any other or further relief to which this Hon'ble Tribunal may deem fit and proper in favour of the applicant and against the respondents, in interest of justice.”

2. Brief facts of the case are that the applicant's father, who was transferred from DDA to the Transport Department and was holding the post of Bhisti, died on 12.3.1999 leaving behind his wife Smt. Santosh Devi, his daughters, namely, Ms. Geeta Devi, Ms. Savita, Ms. Poonam and sons, applicant - Phool Kumar and Amit Kumar. The applicant vide his application dated 22.12.2004 requested the respondent for consideration of his case for appointment on compassionate ground and thereafter Administrative Officer Mr. Ravinder Jangra forwarded the said application to Dy. Secretary Services Department vide letter dated 15.12.2015 for necessary action on the said application. Thereafter Superintendent (S-II) has addressed a letter dated 6.1.2016 to the said Administrative Officer thereby asking certain requisite documents/information as mentioned in the said letter immediately to enable to process the applicant's case further and thereafter applicant give reply to the said Administrative Officer vide his letter dated 22.1.2016.

Thereafter, the said Administrative Officer vide his letter dated 14.3.2016 gave the requisite information/documents to the Superintendent (S-II). Thereafter the said Superintendent (S-II) addressed a letter dated 29.3.2016 to the Administrative Officer informing that while scrutinizing the case of the applicant discrepancies are still exists like no NOC from sisters of the applicant and that amount of DLIS not mentioned and also confirm the payment made and if so mention amount and also forward copy of the sanction order. Thereafter applicant had submitted NOCs of his sisters along with his reply dated 8.4.2016 and after that the said Administrative Officer has forwarded requisite information to the said Superintendant S-II, Service Department, Delhi Secretariat, Delhi.

2.1 Applicant further stated that applicant had received letter dated 1.3.2017 written by Dy. Secretary (Services) informing him that his case is kept pending for consideration and asked details of movable and immovable properties of the applicant within 15 days and thereafter, applicant submitted his application dated 7.4.2017 along with list of no movable and immovable properties with them. Thereafter the applicant further received another letter dated 12.4.2017 sent by the said Dy. Secretary (Services) asking the applicant to furnish information as per the performa annexed with the said letter. In compliance of the aforesaid letter, the applicant submitted

the duly filled in perform relating to details/status of dependents (as on 1.1.2017). Thereafter the respondents have issued the Memorandum dated 16.10.2017 vide which the applicant was informed that his case for compassionate appointment was placed before the duly constituted Screening Committee in its meeting held on 20.9.2017 and the Screening Committee after careful examination of his request and all other details has decided not to recommend his name for compassionate appointment, due to non availability of sufficient vacancies.

2.2 Applicant further stated that respondents have wrongly deducted 51% of marks from the total 62 marks awarded to the applicant, i.e., 31.62 marks for the delay of 17 years of approaching the respondents for compassionate appointment after death of his deceased father whereas the applicant had been making application since 2004 for his appointment.

2.3 Thereafter the applicant served a legal notice dated 20.4.2018 to the respondents through his counsel via speed post thereby requesting to appoint him on any post in their department in place of his late father. And after receiving legal notice, the respondents sent alleged false and frivolous reply to the applicant thereby denying the candidature of the applicant.

2.4 Feeling aggrieved by the aforesaid actions of the respondents, the applicant has filed this OA seeking the reliefs as quoted above.

3. Pursuant to notice issued to the respondents, they have filed their reply in which they have stated that the present OA is against the order dated 16.10.2017 which was filed on 27.11.2018 and hence the same is barred by limitation. The respondents have placed reliance on the following decisions:-

- (i) ***Union of India and others v. M.K.Sarkar*** (2010) 2 SCC 59;
- (ii) ***Jagdish Lal and others vs. State of Haryana & Ors.***, AIR 1997 SC 2366;
- (iii) Hon'ble Supreme Court judgment in the case of ***Union of India vs. Sima Banerjee*** in Civil Appeal No.251/2017;
- (iv) ***LIC vs. Asa Ramachandra Ambekar***, 1994 SCC (2) 718;

3.1 They further stated that present OA is against the order dated 16.10.2017. However, on his representation dated 27.2.2018 for reconsideration of his application for appointment on compassionate ground, the competent authority has accorded the approval to place his case before

the Screening Committee, which the applicant has failed to mention about the said representation in the present OA.

3.2 They further stated that the case of the applicant was placed before the Screening Committee in it's meeting held on 29.1.2019 along with 365 other cases. The committee after going through the DOP&T OMs and circular dated 23.2.2017 (point-based system) raised the issue regarding veracity of documents relating to income, dependent family members and immovable property etc., submitted by the applicants along with their applications. These documents have been directed to be sent for verification by the Revenue Department as in the past they have found discrepancies in the same and to avoid the similar situation in the matter of such type of appointment(s). The Committee after considering the facts/records of each case observed that it was necessary that the authenticated and updated status of details of property i.e. area and value as per circle rate, number of dependents, their marital status, source of income and other attributes are taken for assessment before the cases are placed for consideration and recommendation of the Screening Committee and that the authenticated information pertaining to all the 365 cases including the applicant would be required from Revenue Authorities etc. for placing the same before the Screening Committee for it's reconsideration.

3.3 Lastly, they contended that instant OA deserves to be dismissed in view of above facts and circumstances of this case.

4. Heard learned counsel for the parties and perused the pleading available on record. Although applicant stated that the respondents have given their reply to his legal notice dated 20.4.2018, but he has not annexed the copy of the same and further that applicant has subsequent to rejection of his candidate vide Memorandum dated 16.10.2017 on the ground of non-availability of vacancy submitted another application dated 27.2.2018, which fact is concealed by the applicant in the instant OA, as evidently apprised by the respondents in their counter affidavit and that the competent authority has accorded the approval to place his case before the Screening Committee and his case was placed before the Screening Committee in it's meeting held on 29.1.2019 along with 365 other cases. The committee after going through the DOP&T OMs and circular dated 23.2.2017 (point-based system) raised the certain issues which are required to be verified from the Revenue Authorities. Further the applicant has chosen not to impugn the Memorandum dated 16.10.2017, meaning thereby that he does not have any grievance qua the said Memorandum.

5. Since the applicant's case is under reconsideration as pointed out by the respondents supra and in view of the foregoing reason, the instant OA is dismissed.

6. However, we note that a decision on compassionate appointment should not be kept pending indefinitely, hence, we direct the respondents to obtain whatever verification report is required from the Revenue Department or elsewhere as early as possible and take a decision in this case within a period of 90 days from the date of receipt of certified copy of this Order and communicate the same to the applicant within 30 days thereafter. There shall be no order as to costs.

**(Nita Chowdhury)  
Member (A)**

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