

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

C.P. No.720/2018 in O.A. No.950/2018

Friday, this the 5th day of July 2019

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

Shri Aakash (aged about 24 years)
s/o late Kishan lal
r/o C-3/536-537,
Nand Nagri, Mandoli Saboli
North East, Delhi 110 093

..Applicant

(Ms. Vaishaly Singh, Advocate)

Versus

1. Shri Prabhakar Singh
Director General/Secretary
Central Public Works Department (CPWD)
Nirman Bhawan, New Delhi – 110 001
2. Shri Sanjay Gupta
The Executive Engineer (Elect.)/
Superintending Engineer
Central Public Works Department (CPWD)
Delhi Central Circle VII
East Block IV, Level IV
R K Puram, New Delhi 110 066
3. Shri Ramesh Chand Karva
The Executive Engineer
Central Public Works Department
'D' Division, D-II/26-28 (West)
Kidwai Nagar, New Delhi – 110 066

..Respondents

(Mr. S N Verma, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The father of the applicant is said to have died while in service. The applicant made a request to provide employment

on compassionate grounds. Stating that his case is not being considered, he filed O.A. No.950/2018. That was disposed of on 28.02.2018, directing the respondents to consider the representation of the applicant and pass appropriate orders within ten weeks. This contempt case is filed alleging that the respondents did not implement the directions issued by this Tribunal in O.A.

2. On behalf of the respondents, a counter affidavit is filed. It is stated that the applicant did not apply till 2015 and his application for compassionate appointment was considered against the available vacancy of Beldar in the year 2016 on three occasions, but he was not found fit on the basis of the weightage points assigned on various parameters. It is stated that the posts of Beldar and Khalasi are since abolished and consideration of the candidates would be for the posts of LDC or MTS.

3. We heard Ms. Vaishaly Singh, learned counsel for applicant and Mr. S N Verma, learned counsel for respondents.

4. The direction issued in the O.A. was to consider the case of the applicant. The respondents did consider the case of the applicant on as many as three occasions, but he was not found fit. The applicant cannot insist that he shall be considered only against a particular post. Much would be dependent on the extant policy.

5. In view of the facts mentioned in the counter affidavit, we do not find that there was any contempt on the part of the respondents. In O.M. dated 28.06.2019, it is mentioned that the posts of Beldar and Khalasi are abolished and cases for compassionate appointments are being considered vis-à-vis LDC or MTS. It is needless to mention that the case of the applicant shall be considered in accordance with the existing principles, within a period of four months. This shall not be treated as conferring any eligibility or right upon the applicant.

6. The C.P. is accordingly disposed of. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

July 5, 2019
/sunil/