

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA 2679/2018

This the 25th day of September, 2019

Hon'ble Mr. Pradeep Kumar, Member (A)

Pooja Singh
W/o Late Rajesh Kumar Singh
Aged about 25 years
D-16/151, 3rd Floor
Rohini Sector 7, 110085Applicant

(By advocate: Mr. Animesh Kumar with Mr. Sumit Kumar with Ms. Ekta Bharti)

Versus

1. Union of India
Through the Secretary,
Department of Revenue
Ministry of Finance,
North Block, New Delhi
2. The Chairman,
Central Board of Excise & Customs,
Department of Revenue
Ministry of Finance,
North Block, New Delhi-110011
3. The Chief Commissioner,
Customs Commissionerate, HQ,
“Custom House”
Near All India Radio, Navrangpura,
Ahmedabad (Gujrat)-380009
4. Deputy Commissioner (P&E)
Customs Commissionerate,
“Custom House”
Near All India Radio, Navrangpura,
Ahmedabad (Gujrat)-380009

5. Principal Commissioner,
Office of the Principal Commissioner
of Central Excise Bhavan,
Newar Panjra Pole
Poletechnic, Ambawadi,
Ahmedabad (Gujrat)-380015

....Respondents

(By advocate: Mrs. Harvinder Oberoi for R-1 and 2
Mrs. Anupama Bansal for R- 3, 4 and 5)

ORDER (ORAL)

Heard Mr. Animesh Kumar, learned counsel for the applicant and Ms. Harvinder Oberoi, learned counsel for R-1 and 2 with Ms. Anupama Bansal, learned counsel for R- 3, 4 and 5.

2. The applicant herein had preferred OA No. 1820/2018 seeking compassionate ground appointment, which was decided on 09.05.2018 with the following order:-

“7. Having regard to the submissions made and without going into the merits of the case, this OA is disposed of with a direction to Respondent No. 2 to decide Annexure A-9 representation dated 05.03.2018 of the applicant by passing a reasoned and speaking order within a period of three months from the date of receipt of a certified copy of this order.”

3. The respondents had considered the representation of the applicant and had offered the post of MTS, Group 'C' under compassionate ground appointment to the

applicant. This post was in Group 'D' earlier, however all such posts were clarified as Group 'C' after 6th CPC.

4. Learned counsel for the applicant pleads that in terms of DOPT directions on the issue of compassionate ground appointment certain frequently asked questions and their clarification have also been issued. Attention was drawn to question No. 56 which reads as under:-

56	Can a dependent of deceased government employee who held the earstwhile Group 'D' now MTS post, considered for appointment on compassionate ground against a Group 'C' post?	Yes. A family member of eartwhile Group 'D' post Government servant (now MTS) can be appointed to a Group 'C' post for which he/she is educationally qualified, provided a vacancy in Group 'C' post exists for this purpose.
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5. Learned counsel for the applicant further pleads that subsequent to offering the said MTS appointment on compassionate ground scheme, other vacancies in Group-C, have also taken place and the instant OA has been filed seeking directions to the respondents to consider the name of the applicant for these other posts under Group-C.

6. Learned counsel for respondent No. 1 and 2 have raised preliminary objection that the process of compassionate ground appointment has since been

initiated from Ahmedabad office and their plea is that the jurisdiction in the present case does not lie with Delhi Bench but with the Ahmedabad Bench. Ms. Anupama Bansal, learned counsel for respondents No. 3 to 5 has brought out that the applicant was offered the post of MTS, Group 'C' under the compassionate ground appointment and she has already accepted the same and is already working as such.

7. Learned counsel for respondents refers to Hon'ble Apex Court's judgment in the matter of **Umesh Kumar Nagpal Vs. State of Haryana and Others**, (1994) 4 SCC 138, wherein the Hon'ble Apex Court has held as under:-

"The posts in Classes III and IV are the lowest posts in non-manual categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over the emergency."

8. In view of the forgoing the respondents pleads that there is no further grievance subsists in the instant OA.

9. Heard learned counsel for both the parties. The compassionate ground appointment is a policy which has been made to take care of the immediate needs of a family which is left in the state of penury and financial distress by the sudden death of the earning member of the family.

In the instant OA, this consideration was extended and such an appointment was offered. The applicant has since accepted the same and is already working as MTS, which is presently a Group 'C' post. Compassionate ground appointment is not a scheme for career progression. The applicant has to now look for such opportunities as become available in course of her service by way of departmental exams etc. Nothing subsists in the instant OA. Same is dismissed. All interim orders are also vacated. No costs.

(Pradeep Kumar)
Member (A)

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