

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No.021/0848/2018

Date of Order :23.07.2019.

Between :

V.Meher Prakash, s/o late V.Kutumbarao, ‘
Aged 29 yrs, Occ:Unemployee, Gr.’C’,
r/o Plot Nof.13, H.No.20-221, Road No.2,
Bank Colony, West Venkatapuram,
Secunderabad.

...Applicant

And

1. The Union of India, rep., its Secretary,
M/o Defence, Sastri Bhavan, New Delhi.

2. The Chief Engineer, Head Quarters,
Southern Command, Pune, Maharashtra-
400 001.

3. The Chief Engineer (Fy), Hyd,
Opp:Parade Grounds, Sardar Patel Road,
Secunderabad.

... Respondents

Counsel for the Applicants ... Mrs.V.Hima Bindu

Counsel for the Respondents ... Mrs.K.Bharathi, Addl.CGSC

CORAM:

THE HON'BLE MR.B.V.SUDHAKAR, MEMBER (ADMN.)

ORAL ORDER

BY B.V.SUDHAKAR, MEMBER (ADMN.)

2. The OA has been filed challenging the inaction of the respondents in not considering the case of the applicant for any appropriate post on compassionate grounds.

3. The brief facts of the case are that the applicant's father Sri V.Kutumbarao, who worked for the respondent-Organization, died on 04.07.2011. On the demise of his father, an application made for compassionate appointment, was rejected by the respondents on 27.01.2013 with the proviso that his case would be considered in the next board meeting of 2013-14. The applicant claims that same orders were passed on 03.09.2015, 15.06.2016, 26.08.2016 and on 06.10.2017. Till date, the applicant has not been provided compassionate appointment and hence the OA.

4. The respondents in their reply statement have stated that the applicant's case was processed for five consecutive years from 2012-13 to 2016-17. However, the applicant did not qualify and the same was informed

to the applicant. The compassionate appointment is not a matter of right. Compassionate appointment has been restricted to 5% of direct recruitment vacancies and candidates are selected based on relative merit. The most deserving cases in terms of financial distress are considered based on the twin conditions stated above.

5. Heard Mrs.V.Hima Bindu, learned counsel for the Appilcant and Mrs.K.Bharathi, learned standing counsel for the Respondents, and perused the pleadings on record.

6. The respondents have been fair enough in considering the case of the applicant for compassionate appointment. They have done so consecutively for 5 years. The vacancies being limited and there being lot of competition for the same, respondents are selecting candidates based on relative merit. The name of the applicant is not figuring in the list on the ground of relative merit. Nevertheless, respondents, vide letter dated 30.04.2019, which was submitted by the learned counsel for the Respondents across the Bar, indicates that his case would be considered in the next board meeting for the year 2018-19 on release of vacancies by the competent authority.

7 (I) Thus, it is clear that the respondents are proposing to examine the case of the applicant once again in the next board meeting. Therefore, there is no issue for this Tribunal to adjudicate. However, the respondents may consider the case of the applicant as intimated in the letter dated 30.04.2019 after release of the vacancies by the competent authority in the next board meeting as and when it meets.

(II) With the above direction, the OA is disposed of with no order as to costs.

**(B.V.SUDHAKAR)
MEMBER (ADMN.)**

Dated:this the 23rd day of July, 2019

DSN.