

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

Original Application No.21/771/2019

Date of Order: 27.08.2019

Between:

1. Smt. G.A. Maheswari, W/o. late Sri G.J. Ashok Kumar,
Aged 60 years, Occ: House Wife,
R/o. H. No. 12-1-508/28, Lakshmi Nagar,
Lalapet, Secunderabad – 17, Telangana.
2. G.A. Rajini Kumar, S/o. late Sri G.J. Ashok Kumar,
Aged 39 years, Occ: Un employee,
R/o. H. No. 12-1-508/28, Lakshmi Nagar,
Lalapet, Secunderabad – 17, Telangana.

... Applicants

And

1. Union of India, Rep. by its
Deputy Director (Admn-VI),
CPWD, Directorate General,
Nirman Bhavan, New Delhi.
2. The Chief Engineer (NZ-II),
CPWD, 1st Floor, Nirman Bhavan,
Sultan Bazar, Hyderabad – 500095.
3. The Executive Engineer (MIS & HQS),
Central Public Works Department (CPWD),
O/o. The Chief Engineer (SZ) II,
Nirman Bhavan, Sultan Bazar,
Koti, Hyderabad, Telangana State.
4. Assistant Labour Welfare Commissioner,
CPWD, 1st Floor, Nirman Bhavan,
Sultan Bazar, Hyderabad – 500 095.

... Respondents

Counsel for the Applicants	...	Mr.G. Jaya Prakash Babu
Counsel for the Respondents	...	Mrs. K. Rajitha, Sr. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORDER
{As per B.V. Sudhakar, Member (Admn.) }

2. OA has been filed aggrieved by the inaction of the respondents in not considering the request of the applicant for compassionate appointment and for not disposing the representations made in regard to the same on 20.8.2018 and 23.4.2019.

3. Brief facts of the case are that the father of the 2nd applicant passed away while working for the respondents organisation. Consequently, 1st applicant, wife of the deceased employee, represented to provide compassionate appointment to her son, the 2nd applicant, on 6.4.2011, by submitting relevant documents. Compassionate Appointment Committee recommended the case to the Compassionate appointment Board but the latter has rejected the case for securing less marks in comparison to those considered along with the applicant. However, additional documents were sought, which were submitted on 9.1.2015. Later, respondents again sought additional documents vide letters dated 22.7.2015, 23.7.2015 and 13.7.2016 which were duly furnished. Although, respondents informed that the request of the applicants for compassionate appointment will be placed before the Compassionate Appointment Board in the future, there being no response, 2nd applicant represented to the 1st respondent who in turn directed the 2nd respondent on 29.3.2017 to intimate the status of the case to the 2nd applicant. Despite such a direction, there being no action, 2nd applicant renewed his request for compassionate appointment by representing on 20.8.2018 and 23.4.2019. Even to the latest representations, there is no response. Hence, the OA.

4. The contentions of the applicants are that there is no time limit to consider requests for compassionate appointment as per DOPT memos dated 26.7.2012 and 16.1.2013. Applicants contend that they have submitted the relevant documents as directed by the respondents and have approached the respondents in person as well in writing on a number of occasions, but of no avail. After the loss of the bread winner it has become difficult to the family of the deceased to eke out a decent living and hence compassionate appointment to the 2nd applicant is a dire necessity.

5. Heard both the counsel and perused the pleadings on record.

6. I) 2nd applicant's father while working for the respondents organisation has died in a road accident. On the demise of his father, 1st applicant sought compassionate appointment to the 2nd applicant, which was initially rejected by the Compassionate Appointment Board on grounds of relative merit. However, the applicants were called a number of times in person to submit additional documents for re-examining the case. Applicants submitted the requisite documents and represented on a several occasions to consider his request for compassionate appointment. Till date there is no action on the issue by the respondents.

II) It may not be out of place to state that as per clause 8 of DOPT OM dated 16.1.2013, application for compassionate appointment can be considered without any time limit. Hon'ble Supreme Court in a catena of judgments has held that there should not be any delay in considering cases of compassionate appointment. Besides, it has to be offered keeping in view the indigent circumstances in which the family

of the deceased employee is placed and in accordance with the extant rules and regulations in vogue pertaining to compassionate appointment.

2nd Applicant has represented and is awaiting a response.

III) In view of the above, with the concurrence of both the counsel, respondents are directed to dispose of the latest representations made by the 2nd applicant on 20.8.2018 and 23.4.2019 requesting for compassionate appointment, keeping in view DOPT guidelines as well as the terms and conditions laid down for such appointment by the respondents and the law laid down on the subject, by issuing a speaking and reasoned order within a period of 8 weeks from date of receipt of this order.

IV) With the above directions, the OA is disposed of at the admission stage. There shall no order as to costs.

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

Dated, the 27th day of August, 2019

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