

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

Original Application No. 1677/2015

Date of C.A.V. : 20.07.2018

Date of Order : 16.11.2018

Between :

P.Bhagat, S/o Late Sri P.Shanmukha Rao,
aged : 30 years, Un-employed,
R/o D.No.9-100/1, Narasimha Nagar,
Gopalapatnam Post,
Visakhapatnam – 530 027.

... Applicant

And

1. Union of India, represented by its
Secretary, Ministry of Defence,
South Block, New Delhi – 110 011.

2. The Engineer-in-Chief, AHQ, DHQ, PO,
New Delhi – 110 011.

3. The Chief Engineer,
HQ Southern Command, Pune-1.

4. The Chief Engineer, R&D, Picket,
Secunderabad – 500 003.

5. The Commander Works Engineer,
Station Road, Visakhapatnam – 4.

6. The AGE (I) R&D, NSTL,
Visakhapatnam – 530 027.

... Respondents

Counsel for the Applicant

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Dr.P.B.Vijaya Kumar, Advocate

Counsel for the Respondents

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Mrs.B.Gayathri Varma, Addl.CGSC

CORAM:

ORDER

{ As per Hon'ble Mr.Justice R.Kantha Rao, Member (Judl.) }

The OA is filed by the applicant to set aside the order dated 15.09.2015 passed by the 3rd respondent on the ground that it is arbitrary, illegal and consequently direct the respondents to provide appointment on compassionate grounds against the immediate available vacancies.

2. The brief facts of the case are that the father of the applicant Sri P.Shanmukha Rao who was working as Electrician HS in the organization of the 6th respondent died while on duty on 02.04.2012. He rendered unblemished service of 29 years 03 months 9 days. The family of the deceased employee was paid the death benefits relating to the deceased. According to the applicant most of the said amount was spent for repaying the loans. The applicant submitted a representation dated 05.03.2013 seeking appointment on compassionate grounds. A Special Board of officers was constituted, which considered the case of the applicant for compassionate appointment found that the family was in penurious position and recommended for appointment of the applicant in any suitable post in the department. In spite of the said recommendation the applicant could not be appointed in any suitable post on the ground that the candidates who were relatively more meritorious were available. Ultimately the 3rd respondent vide proceedings dated 15.09.2015 communicated to the applicant that his case could

not be considered as the more deserving case, in view of few vacancies available and it will be considered in due course.

3. The contentions put forth in the reply affidavit need not be mentioned in detail since all the aforementioned facts stated by the applicant in his OA were not denied by the respondents. They only stated in the counter that the applicant had no vested right to claim compassionate appointment and that there is no guarantee in future also to provide compassionate appointment.

4. I have heard Dr.P.B.Vijaya Kumar, learned counsel for the applicant and Mrs.B.Gayathri Varma, learned standing counsel for the respondents.

5. From the facts of the case it requires to be mentioned that there is no delay or latches on the part of the applicant. His case was recommended by the Committee after going through the certificates produced by him and also the condition of the family. The orders which were passed stating that the applicant could not be accommodated as there were other candidates who were more meritorious than the applicant and do not furnish any details of the other candidates and as to why the candidature of the applicant was rejected thrice by them. The orders are non-speaking orders. The respondents are not supposed to deny the appointment of the applicant on compassionate grounds by a non-speaking order which does not mention any details.

6. The respondents are therefore directed to consider the case of the applicant in future vacancies duly taking into consideration his seniority among the candidates who applied for appointment on compassionate grounds and pass a reasoned order within a period of three months from the date of receipt of a copy of this order.

7. Consequently, the OA is allowed to the extent indicated above. There shall be no order as to costs.

(JUSTICE R.KANTHA RAO)
MEMBER (JUDL.)

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