

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

Original Application No.21/216/2018

Date of Order: 13.06.2019

Between:

Kumari Shayney J Stephen,
D/o. late Shri K Y Stephen,
Aged about 27 years,
C/o. Geetha Menon, H. No. 199,
Bhoodevinagar, Trimulghery Post,
Secunderabad – 15.

... Applicant

And

1. The Union of India,
Rep. by its Director General of EME (EME Civ) (C-3)
Master General of the Ordinance Branch
IHQ of MoD (Army),
DHQ PO, New Delhi – 110 105.
2. The Commandant,
Military College of Electronics & Mechanical Engineering,
PIN-900 453, C/o. 56 APO,
Trimulghery Post, Secunderabad – 15.

... Respondents

Counsel for the Applicant ... Mr. K. Sudhakar Reddy

Counsel for the Respondents ... Mr. M. Venkata Swamy,
Addl. CGSC

CORAM:

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

ORAL ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. OA is filed for non-consideration of the applicant for compassionate appointment.

3. Applicant's father passed away on 23.10.2003 in harness, when he was working for the respondents organisation. Mother of the applicant

sought compassionate appointment for the applicant on 7.5.2008, but was advised to apply when applicant attains 18 years age. Later, in 2004 the case of the applicant was taken up but was rejected in 2012 for lack of a vacancy. Applicant does not have any property and is finding it difficult to make both ends meet. Aggrieved over the rejection, OA has been filed.

4. Contentions of the applicant are that she is living in indigent circumstances. Respondents stating in the impugned order that her case was considered in 9 boards is not true. Impugned order does not contain reasons for non consideration.

5. Respondents, per contra, state that compassionate appointment is restricted to 5 % of the total wastage of vacancies of Group C and Group D available in a given year and is decided by a Committee set up for the purpose to select the most deserving cases based on relative merit. Accordingly, applicant's case was considered by 9 boards from September 2008 to June 2012 as per DOPT instructions issued from time to time and M.O.D. instructions by allotting merit points to various attributes to assess the indigent circumstances. Based on marks scored and the vacancies available candidates were selected. Applicant could not be selected as she did not come up for short listing on relative merit and lack of vacancies. The second respondent communicated the decision of the first respondent accordingly.

6. Heard both the counsel and perused the records submitted.

7 (I) First respondent vide letter dated 5.9.2011 informed the 2nd respondent that the records of the applicant are not available and

directed to examine and dispose of the case under intimation to the first respondent. Without records, it is beyond ones comprehension as to how respondents could consider the case of the applicant from 2008 to 2011 as asserted by them in para 3 of the reply statement. There is, thus, incoherence in the submission of the respondents. Besides, it is the first respondent who has the competency to decide the issue and not the 2nd respondent. Therefore, directing the 2nd respondent to dispose of the case is illogical. It thus gives a doubt as to whether the case of the applicant was considered at all. Besides, according to DOPT instructions, as admitted by the respondents at para 4 of the reply statement, cases rejected for want of vacancies can be reopened.

(II) Therefore, keeping the aforesaid facts in view, respondents are directed to reconsider the case of the applicant after obtaining the relevant records in a period of 3 months from the date of receipt of this order, in accordance with the extant instructions by issuing a speaking and reasoned order. OA is thus allowed with no order as to costs.

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

Dated, the 13th day of June, 2019

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