

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

Original Application No.21/220/2019

Date of Order: 16.07.2019

Between:

Gowrapally Prabhakar (Group C)
S/o Late Sri Mogulaiah
Aged about 39 years, Occ: Un-employee
R/o H.No.3-117, Shanti Nagar, Uppal
Ranga Reddy Dist – 500039.

...

Applicant

AND

1. The National Institute of Nutrition
Rep by its Director
Indian Council of Medical Research
Near Tarnaka Flyover, Tarnaka
Jamai-Osmania PO, Hyderabad-500007.
2. Indian Council for Medical Research
Rep by its Director
Department of Health Research
Ministry of Health and Family Welfare
New Delhi.
3. The Union of India
Rep. by its Principal Secretary for Health
And Family Welfare, New Delhi.

... Respondents

Counsel for the Applicant ... Mr. A.V.Gopal Rao.
Counsel for the Respondents ... Mr. B. N. Sharma, SC for ICMR

CORAM:

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

ORAL ORDER

2. The OA is filed for grant of compassionate appointment.
3. The brief facts of the case are that the applicant's father, who worked as Sr. Technical Assistant, for the respondents organization, died in harness on 15.11.2005 leaving behind the applicant and his mother. Mother of the applicant, who was a family pensioner, also died on

10.04.2018. Applicant represented on several occasions for compassionate appointment since 2005.

4. However, when the applicant came to know that respondents issued call letters on 14.02.2019 to similarly situated persons for the written examination scheduled to be held on 05.03.2019, he made another representation on 21.02.2019 for compassionate appointment stating that conducting of the said examination is arbitrary, without considering the candidature of the applicant, and as no response received from the respondents, he filed the OA praying that he may be allowed to appear in the written examination.

5. Consequent to the interim order issued by this Tribunal on 04.03.2019, respondents directed the applicant to appear in the written examination, which was held on 05.03.2019. Accordingly, Applicant was allowed to appear in the examination. In the said interim order, it was mentioned that the final selection would be subject to the outcome of the OA and the respondents were directed to file written reply within four weeks. Respondents' counsel has filed the reply statement and copy of which is produced today across the Bar, which is taken on record.

6. Heard Mrs. Anita Swain for Mr. A.V. Gopal Rao, counsel for the applicant and Mr. M.C.Jacob for Mr. B.N.Sharma, counsel for the respondents and perused the pleadings on record.

7. (I) The main contention of the applicant is that other similarly situated persons were considered for compassionate appointment whereas he was not considered.

(II) Respondents, in their reply statement, have categorically stated that applicant was allowed to appear in the examination as per the interim directions issued by this Tribunal. The Committee, which has gone into the issue of granting compassionate appointment, has observed vide its dated 16.01.2019 (copy of which is attached to page 45 of the reply), with regard to the applicant's case, that:

- (a) wife of the deceased employee died on 10.04.2018;
- (b) applicant is the only dependent family member;
- (c) as per the records, the deceased employee had availed housing loan, however, particulars of which, i.e., immovable property owned by the family, are not indicated in the application;
- (d) received a sum of Rs.3,51,872/- as death benefits;
- (e) no debts have been reported;
- (f) hence, the case is not recommended for compassionate appointment;
- (g) however, keeping in view the educational qualifications, i.e. SSC passed by the depended family member, the request for compassionate appointment may be carried over to the next year for consideration. Hence, the case is deferred.

(III) Further, respondents have stated that the result of the applicant, who was allowed to participate in the written examination, was kept in abeyance, in compliance of the directions of this Tribunal, vide minutes dated 12.03.2019 (copy of the minutes is at Annexure R3 to the reply). However, offer of appointment were issued to other selected candidates.

(IV) Thus, as can be seen from the above, the respondents have deferred the case of the applicant for consideration for compassionate appointment to the ensuing years.

(V) In view of the above, the OA is disposed of directing the respondents to consider the case, as has been observed at page 45 of the reply statement, i.e., Committee's report.

(VI) However, as the respondents in their reply have themselves stated that the result of the applicant, pertaining to the written test, has been kept in abeyance as per the directions of this Tribunal, it is needless to say that the respondents will declare the result of the Applicant, and communicate the same to the applicant within two weeks from the date of receipt of a copy of this order. However, it is made clear that this would not preclude the respondents to consider the case of the applicant for compassionate appointment, as recommended by the Committee on 16.01.2019, and as directed above in the ensuing year(s).

With the aforesaid directions, the OA is disposed of with no order as to costs.

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

Dated, the 16th day of July, 2019

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