



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, CALCUTTA

O.A. 222 of 2015

Order dated: 30.3.2016

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

1. Smt. Hira Muni Ram,
W/O Late Ganesh Ram,
Aged about 50 years,
Occupation – Housewife,
Residing at – Purbasha,
P.O. – Ichapur Nawabgunj,
Dist. – 24 Pgs(N).
2. Smt. Sujata Das @ Sujata Kumari Das,
D/O Late Ganesh Ram,
Aged about 32 years,
Occupation – Housewife,
Residing at P.K. Guha Road,
Dum Dum Cantonement,
P.O. – Dum Dum,
Kolkata – 28.

..... Applicants.

Versus

1. Union of India,
Through Secretary Deptt. of
Defence production Ministry of Defence,
P.O. – Nirman Bhawan,
New Delhi – 110 011.
2. The Directorate General of Quality
Assurance
Department of Defence Production
P.O. – Nirman Bhawan,
New Delhi – 110 001.
3. Senior Quality Assurance Officer
Senior Quality Assurance
Establishment (Small Arms)
P.O – Ichapur Nawabgunj,
Dist. – North 24 Pgs,
West Bengal – 743144.

..... Respondents.

For the Applicant : Ms. M. Saha, Counsel

For the Respondents : Ms. R. Basu, Counsel

ORDER

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. This application has been filed seeking the following reliefs:

- "8.(1) The immediate consideration of the petitioner for compassionate ground in the existing vacancy for the year 2013-14/2014-15.
- (2) The urgent order of status-quo may be issued on the selection process of compassionate by respondent no-3.
- (3) The respondents be directed to reassess the score points of the petitioner as per the existing rules and at par with the similarly situated applicants of compassionate appointment.
- (4) Respondents be directed not to issue any further selection or appointment letter to any candidates unless the case of the petitioner is reassessed objectively.
- (5) The respondents be directed to suitably compensate the petitioner for causing irreparable mental & financial loss to his family members.
- (6) Quash the letter dated 27.10.2004 and letter dated 21.10.2014 in which communication regarding the closing of his case was made.
- (7) Leave may be granted to file this application jointly under Rule 4(5)(a) of CAT Procedure Rule 1987."

3. The admitted facts that could be culled out from the pleadings of the parties would be as under:

Ganesh Ram, Examiner (HS-II), T/No. 12287 died while in harness on 23 May 03, leaving behind his widow Smt Hira Muni Ram and two unmarried daughters Sujata Kumari Ram and Jaya Kumari Ram (Minor then). All of them were dependent on him. He had left 14 years of residual service at the time of his death. He had purchased a ready built house with the help of Housing Loan taken from Allahabad Bank, Barrackpore Branch.

Smt Hira Muni Ram, W/o Late Ganesh Ram, Examiner (HS-II), T/No. 12287 applied for a suitable appointment on compassionate ground for her elder daughter Sujata Kumari Ram to the Respondent No. 3 on 11 July 03. The case was referred to the DGQA HQ, duly recommended, vide SQAE (SA), Ichapur letter No. SQAE/EG/10/2 dated 22 Sep 03 (**Annexure R-1**) for consideration on merit vis-à-vis other candidates against the vacancies available in the grade of Labourer (Unskilled).

The case of Sujata Kumari Ram (Applicant No.2) was considered by the Board of Officers (B.O.O), in terms of the parameters laid down in MoD ID Note No. 19(4)/824-99/1998-D (Lab) dated 09 Mar 01 (**Annexure – R-2**), on quarterly basis for Quarter Ending Dec 03, Mar 04, Jun 04 and Sep 04. Due to low indigence score she could not be offered appointment on compassionate ground as sought for by her widowed mother. The outcome of the four considerations was intimated to the applicant from time to time.

No Score Sheet was given to the applicant along with the communication for rejection since it was an in-house mechanism for assessing relative indigence of the candidates seeking appointment on compassionate ground and furnishing of the Score Sheet then would not have altered the outcome of the case in any manner.

4. The Ld. Counsel for the applicant would specifically allege drawing my attention to Annexure A-4 to the O.A., a list of Compassionate Appointment cases from 2004, that one Deepa Kumari Karve has been favoured with appointment despite a lower score than the applicant.

The excerpts of the lists would be as under:

S.N o.	Name of candidat e &deceas ed Govt. servant	Date of death/ MBO	Date of appli.	Famil y pensi on in Rs. (Basic Exclu. DA & Allow.	Point s	Termin al Benefit s in Rupee s	Point s	No. of De p.	Point s	Left over serv.	Point s	Total Point s	Qrt & Yr.	Remar ks
18.	Kum Deepa V Karve, D/o Late Shri VD Karve Examine r (HS) SQAE (Amt), Khadki, Pune	07.11. 06	13.2.0 7	3150	6	DCRG 17473 1 CGEIS 43560 Leave 18421 Encas h Total 23671 2	3	3	15	10 years 4 mont hs	6	55	Ma r- 07	LDC

5. Per contra the respondents would submit the following:

That reconsideration of the request for Compassionate Appointment in respect of Applicant No. 2 was duly replied by Respondent No. 2.

The scheme under OM of Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) dated 16th January, 2013 under subject, "**Consolidated Instructions on compassionate appointment**" state as under:

"8 TIME LIMIT FOR CONSIDERING APPLICATIONS FOR COMPASSIONATE APPOINTMENT: Prescribing time limit for considering applications for

compassionate appointment has been reviewed vide this Department O.M No. 14014/3/2011- Estt. (D) dated 26.07.2012. Subject to availability of a vacancy and instructions on the subject issued by this Department and as amended from time to time, any application for compassionate appointment is to be considered without any time limit and decision taken on merit in each case.

Further, vide the OM of DOP&T being F.No. 14014/3/2011-Estt. (D) dated the 26th July, 2012 under the Subject, "**Review of three years time limit for making compassionate appointment**" the time limit of 3 years was done away with.

Under "**Frequently Asked Questions (FAQs) on Compassionate Appointment**" issued vide DoP&T No. 14014/02/2012-Estt.(D) Dated 30th May, 2013, the clarification at SL No. 40 that, "Can the cases which were closed on completion of 3 years time-limit as provided in DOPT OM dated 5.5.2003, be re-opened after the waiver of time-limit in DoPT OM dated 26.07.2012?", was made as:

"Yes, provided that the cases were closed due to non-availability of vacancies during the 3 years time-period and subject to the criteria mentioned in S.No.32 and S.No.3. Such cases should not be opened merely because the time limit has been waived off."

In regard to consideration of Kumari Deepa V Karve the respondents have justified has appointment with much less merit points, in the following manner. They have stated that-

Kumari Deepa V Karve was offered appointment on the basis of consideration of the B.O.O. for the Quarter Ending Mar 07, whereas the case of Sujata Kumari Ram was considered for the fourth and final time for the Quarter Ending Sep 04 and rejected for want of merit. During such considerations no candidate scoring less than 67 was offered appointment on compassionate ground, whereas Sujata Kumari Ram obtained a score of 56 vide the relevant Score Sheet.

What happened in a particular Quarter had no bearing on the cases considered for the preceding or succeeding Quarters.

6. I have given my anxious consideration to the materials on record.
7. It is exemplified, demonstrated and abundantly clear that the case of the applicant was closed in terms of DOPT OM dated 5.5.03, since no appointment could be offered to the candidate evidently due to the fact that sufficient vacancies were not available, and not due to the reason that it was not found indigent. Therefore in terms of the latest DOPT circular dated 26.7.12, and FAQ dated 30.5.13 cited by the respondents (supra) the respondents should reconsider the case afresh untrammelled

by the earlier rejection, moreso due to the reason that case with lesser merit points have been considered suitable for appointment.

8. In such view of the matter the O.A. is disposed of with a direction upon the respondents to place it before the ensuing meeting of the BOO to consider compassionate appointment cases and communicate the decision to the applicant within 1 month thereafter.
9. No costs.

Bidisha Banerjee
(Bidisha Banerjee)
Member, (J)

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