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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.944/2003

New Delhi this the 15th day of April, 2004.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

1. Netra Pal Singh,
Ex. Motor Driver,
High Power Transmitter,
All India Radio, Aligarh. (UP).
 2. Dharendra Singh Rawat,
S/o Shri Netrapal Sinnggh,
R/o near Sewati Dharamshala,
Hathras Road, RAYA (Distt. Mathura).
- Applicants

(By Advocate Shri D.N. Sharma)

-Versus-

1. Union of India through
the Director General,
All India Radio/Parsar Bharti,
Broadcasting Corporation of India,
Akashvani Bhawan, Parliament Street,
New Delhi-110 001.
 2. The Chief Engineer (North Zone),
Akashwani & Doordarshan,
Parsar Bharti, Broadcasting Corporation of India,
Jamnagar House Hutments, Shahjahan Road,
New Delhi-110 011.
 3. The Superintending Engineer,
High Power Transmitter, All India Radio,
Broadcasting Corporation of India,
Aligarh (UP)-202 001.
- Respondents

(By Advocate Shri S.M. Arif)

ORDER (ORAL)

Applicants impugn respondents' order dated 28.8.2003, denying him compassionate appointment.

2. Father of applicant No.2 retired on being invalidated on 31.3.2000. Initially he requested for compassionate appointment as LDC. As the post of LDC was not available within the quota meant for direct recruitment this was not acceded to. Subsequently, he made an application for according him compassionate appointment on a technical post, which was denied to him as he was not



fulfilling the qualification for the said post. By his third attempt applicant No.2 sought for group 'D' post, which was also rejected, giving rise to the present OA.

3. Learned counsel for applicant contends that whereas the competent authority to accord compassionate appointment is AIR, Directorate, respondents vide letter dated 17.10.2002 sought clarification as to wrongly referring the case to AIR Lucknow, yet the same has not been responded to. It is further stated that applicant has not been communicated the earlier rejection of his request for LDC, as such he has been deprived of a right of consideration.

4. On the other hand, respondents' counsel states that applicant's request for being appointed as LDC was turned down, as there were 8 other persons waiting for appointment, only one name senior to applicant and more deserving was sent to the Directorate, which was recommended. Applicant who requested on 15.3.2003 for compassionate appointment in technical trade on account of his non-possession of requisite qualification the claim was rejected. Applicant again requested for appointment in Group 'D' post vide letter dated 17.5.2002 but as it has been delayed the same was rejected. It is stated that one cannot claim compassionate appointment as a matter of right. In so far as DoPT OM dated 5.5.2003 is concerned, it is stated that assuming for three years name is to be kept having regard to the date of invalidation of government servant on 31.3.2000 claim of applicant is valid till 30.3.2003 and thereafter it is to be removed from consideration.



5. On careful consideration of the rival contentions of the parties I am of the considered view that compassionate appointment cannot be claimed as a matter of right. The basic object is to redress the indigent family from financial crises. By passage of time the very object of compassionate appointment frustrates. Compassionate appointment cannot be claimed as an alternate mode of entry in Government service.

6. Applicant's earlier request for LDC initially made could not be acceded to as there were 8 persons in queue and only one vacancy was available. Later on, applicant on his own volition abandoned the claim on the post of LDC for being considered against which he was to be considered and rather prayed for adjustment in technical post, which on his ineligibility regarding qualification was turned down. Again applicant had made a request which could not be acceded to as it has been made after the stipulated period of one year from invalidation.

7. In so far as the fact that Directorate has not been sent the case I do not find any infirmity as the Directorate has to approve and keeping in view the vacancies the case of applicant was considered at Lucknow and was not sent to the Directorate as there were 7 other persons in queue. Applicant on his own volition by frequent change of categories had delayed the consideration. However, assuming that OM dated 5.5.2003 applies to the case of applicant No.2 yet after three years, i.e., on 31.3.2003 the case would be finally closed and is not to be considered again.



8. In this view of the matter I do not find any merit in the present OA, which is accordingly dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)

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