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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1145/2003

This the 26th day of September, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Kush Das,
son of Late M.C.Das,
R/o C-1 A/20, Anna Nagar Jhuggi Camp
Near I.T.O. New Delhi.

... Applicant.

(None)

Versus

1. Union of India,
Through its Secretary,
Ministry of Urban & Housing,
New Delhi.
2. The Director General,
C.P.W.D. Nirman Bhawan,
A-Wing II Floor Room No.236,
New Delhi.
3. Superintending Engineer,
Delhi Central Zone-7C PWD,
New Delhi.

... Respondents.

(By Advocate: Sh. R.N.Singh proxy for
Sh. R.V.Sinha)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

None appeared for the applicant. None had appeared for the applicant even on the last date of hearing, so I have decided to proceed under Section 15 of CAT (Procedure) Rules and to dispose of the OA on merits.

2. The facts in brief are that the applicant is aggrieved of the order passed by the respondents whereby he has been refused appointment on compassionate grounds. The father of the applicant was working as Beldar under the respondents and expired on 25.7.2000 while in service. Applicant thereafter filed his application and requested them for appointment on compassionate grounds. The same has been rejected vide

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impugned order on the ground that the family of the deceased employee had been given sufficient death-cum-retiral benefits. Besides that the family of the applicant consist of only two members and the applicnt also have got their own house to live in. So the case of the applicant was found to be fit for grant of appointment on compassionate grounds. Applicant in order to challenge the same has submitted that the order rejecting her application for compassionate appointment has been issued in a malafide manner because the applicant had earlier filed an OA. So with a view to retaliate the same, his application for appointment has been rejected.

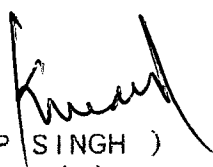
3. I have considered this aspect and have also gone through the reply. Respondents denied that the application has been rejected in order to retaliate against his application for filing the earlier OA. Respondents, however, submitted that besides sufficient retirement benefits have been released to the applicant, the application for compassionate appointment is also rejected for want of vacancies available for compassionate appointment. Moreover, no such compassionate appointment could be made within a period of one year as no vacancies were available.

4. Respondents also stated that the family of the deceased employee is getting a sum of Rs.2,158/- p.m. and family is of two members which is quite sufficient and family is not in a immediate financial crisis. Therefore, applicant is not entitled to grant of appointment on compassionate grounds. In my view also, the only ground taken to challenge the impugned order is that it has been passed in a biased manner in order to retaliate against the applicant for his filing previous OA. Applicant has nowhere alleged that in what manner he has been discriminated or whether the vacancies are available with the

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respondents or not as respondents pleaded that only 5% vacancies are available and the case of the applicant was rejected for want of availability of vacancies and besides that it is submitted that the family has also got sufficient income from death-sum-retiral benefits and pension.

5. These facts have not been challenged by the applicants at all in this OA and from the pleadings of the applicants no ground has been made to assail the order passed by the respondents rejecting his application for compassionate appointment. OA is devoid of merits and the same is dismissed.


(KULDIP SINGH)
Member (J)

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