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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2224/2003

This the 11th day of September, 2003

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

Harinder Kumar
S/o Late Sh. Ram Sewak
R/o H.No.33/117, Trilok Puri,
Delhi-110091.

(By Advocate: Sh. B.S.Chowdhary)

Versus

1. Secretary,
Ministry of Urban Development,
Union of India,
Nirman Bhawan, New Delhi.
2. Ministry for Social Welfare
Govt. of NCT of Delhi,
Old Secretariat Delhi.
3. Chief Engineer Zone-I,
Public Works Department
NCT of Delhi, MSO Building,
7th Floor, I.P.Estate,
New Delhi.
4. Superintendent Engineer
Co-ordination Circle (Civil),
C.P.W.D. Indraprastha Bhavan,
New Delhi.
5. Dy. Secretary (Services),
Services-II Department,
5, Sham Nath Marg, New Delhi.
6. Engineer Officer
P.W.D. Circle-I,
Govt. of NCT of Delhi.
7. Dy. Director
Horticulture Division,
DN-II, P.W.D.(D.A.)
New Delhi.

O R D E R (ORAL)

Applicant has filed this OA under Section 19 of the AT Act as he has a grievance that his request for appointment on compassionate grounds is not being considered properly and he has prayed for a direction to the respondents for granting him job on compassionate grounds after sudden demise of this father while in harness.

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2. The case of the applicant is that after the death of his father who was working under the respondents, he applied for grant of a job on compassionate grounds. The case of the applicant was considered. Applicant was informed vide Annexure A-4 that his name stands at Sl. No.52 in the list issued in June 1999. Applicant further alleges that one lady, namely, Smt. Kamla Devi who was also in the same list has been provided a job jumping the waiting list and she was much lower than the applicant in the said waiting list. So applicant prays that he is being discriminated and he should also be given the job.

3. In order to support his contention, applicant has also referred to a reply filed by the respondents in some other case wherein position with regard to the providing of job to Smt. Kamla Devi has been explained by the respondents, where it is mentioned that Smt. Kamla Devi has submitted a representation to Hon'ble Urban Development Minister for out of turn employment and the approval for out of turn was accorded in view of the extreme hardship which she was facing due to loss of both her husband and the only bread earner son within a span of one year.

4. I have considered this aspect. The plea raised by the applicant is that applicant should also be provided a job after jumping over the waiting list. For this purpose the reliance placed by the applicant on the case of Smt. Kamla Devi in whosoever the Hon'ble Minister has used his own discretion, I find that the applicant cannot compare his case with that of Smt. Kamla Devi because if the Courts also start issuing directions to respondents for jumping the waiting list

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in favour of the applicant then no criteria would be maintained for preparing the wait list for grant of job on compassionate grounds. The exercise of discretion by Hon'ble Minister in favour of the said lady smt. Kamla Devi may be personal discretion of the Hon'ble Minister and that too it seems it had been exercised in the most deserving case. Applicant does not deserve the similar treatment because the case of the applicant has been duly considered and his name has been ordered to be kept in the waiting list alongwith similarly placed candidates.

5. There is no cause of action for the applicant to file OA on comparing his case with that of Smt. Kamla Devi. Hence OA is dismissed in limini.


(KULDIP SINGH)
Member (J)

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