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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2846 /2003
M.A. NO.1038/2004

This the 6th day of October, 2004.

HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)

1. Smt. Murti Devi W/O late Hari Ram,
R/O T-6/2, Poultry Farm,
No.4, Delhi Cantt.
2. Laxmi Narain S/O Late Hari Ram,
R/O T-6/2, Poultry Farm,
No.4, Delhi Cantt. ... Applicants

(By Shri M. K. Bhardwaj, Advocate)

-versus-

1. Union of India through
Secretary, Ministry of Defence,
South Block, New Delhi.
2. Engineer-in-Chief,
F-in-C's Branch, Army Hqrs. DHQ,
New Delhi.
3. Chief Engineer, MES,
Western Command, Engineers Branch,
Chandi Mandir.
4. Chief Engineer, MES,
Delhi Zone, Delhi Cantt.,
New Delhi. ... Respondents

(By Shri R.P. Aggarwal with Shri Ravinder Sharma, Advocates)

O R D E R

By virtue of this OA, applicants have challenged respondents' letter dated 13.9.2003 whereby his application dated 11.1.2002 regarding employment on compassionate ground has been rejected.

(b)

2. Husband of applicant No.1, a Peon, died in harness on 25.11.2001. Applicant No.1 had made an application dated 11.1.2002 requesting for compassionate appointment of her son Laxmi Narain, applicant No.2. Respondents have rejected the application.

3. The learned counsel of applicants stated that applicants did not own any immoveable property and did not have any source of income except the family pension. The learned counsel stated that application for compassionate appointment has been rejected due to non-availability of sufficient vacancies within 5% quota even after fourth and final consideration of the case. The learned counsel stated that two daughters of the deceased employee were married during his lifetime but he had incurred a huge liability of a loan for the marriages of his daughters. These loans had to be discharged from the retiral benefits. He further brought out that appointments on compassionate grounds were given to various other persons, namely, Smt. Babita, Smt. Anita, Smt. Savitri Gaud, Shri Om Prakash and Shri Rajinder Singh whose claims accrued much after applicant's claim. The learned counsel pointed out that vide annexure A-VII published in Employment News dated 25.10.2003 ^{Respondents} invited applications for 35 vacancies of Group 'D' posts. As such, respondents have denied applicant's claim despite vacancies being there.

4. On the other hand, respondents have contended that applicant's case was considered four times, i.e., during June 2002, September 2002, December 2002 and March 2003 for the post of Peon. Two posts of Peon existed only during the quarter ending December 2002. Out of a total of 15 applicants, applicant ranked 11th obtaining 43 out of a total of 100 marks and as such, could not be adjusted against two posts of Peons. The learned counsel of the respondents stated that since the applicant had applied for the post of Peon only, he could be considered only against that post and not any other post. If he had applied for other Group 'D' post, he could have been considered for other posts as well. He further stated that the committee had evaluated applicant's application in comparison with the other applicants on the basis of the instructions contained in the scheme for compassionate appointment circulated vide DOP&T OM dated 9.10.1998. The learned counsel also stated that applicant did not furnish any evidence/proof regarding liability of Rs.1,00,000/- with the application for meeting the expenses of marriages of the unmarried daughters.

5. Apart from considering the rival contentions of the parties, I have also perused the related records produced by the respondents in respect of consideration of the cases of applicants seeking employment on compassionate grounds. Respondents have considered applicant's case on the basis of its respective merit by allotting points to various aspects of the case on a 100-point scale.

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The points relate to family pension, terminal benefits, monthly income of earning members, income from property (moveable/immovable), number of dependants, number of unmarried daughters, number of minor children and left-over service. Applicant's case was considered four times. Since applicant had applied for employment on the post of Peon only, he was considered during the quarter ending December 2002. Two persons Smt. Suman Lata (General) and Shri Vikas (SC) were selected for two posts of Peon in the quota for compassionate appointment. Applicant could not be accommodated on the basis of his comparative assessment. No fault could be found with the selection in which applicant was considered but could not be selected for employment on compassionate ground.

6. In result, this OA is dismissed being without merit. Interim stay dated 25.11.2003 against eviction from the official accommodation, i.e., Quarter No.T-6/2 Poultry Farm, No.4, Delhi Cantt., is vacated.

7. MA No.1038/2004 also stands disposed of.

V.K. Majotra
(V. K. Majotra) 6.10.04
Vice-Chairman (A)

/as/