

(2019) 03 CAT CK 0107

In the Central Administrative Tribunal

Case No : Original Application No. 1468 Of 2018

Arvind

APPELLANT

Vs

Govt. Of NCT Of Delhi, Through

RESPONDENT

Date of Decision : 13-03-2019

Acts Referred:

Citation : (2019) 03 CAT CK 0107

Hon'ble Judges : Pradeep Kumar, J

Bench : Single Bench

Advocate : Anjum Kumar, Priyanka Puglani

Judgement

1.0 In the instant case, the applicant's mother was serving as a Sweeper with MCD and after completing about 24 years of service, she had unfortunately expired on 30.05.2011. The applicant, herein, represented to consider his case for compassionate ground appointment. This request was rejected vide orders dated 20.12.2013 and again vide orders dated 20.10.2014.

2.0 Feeling aggrieved, the applicant preferred the OA No. 3037/2015, which was decided on 12.09.2016 with following directions:-

"However, the ends of justice would be met, if the OA is disposed of, by directing the respondents, to consider the case of the applicant, as admitted by them again in future, as per Rules along with other eligible candidates. It is also made clear that this order shall not preclude the applicant from availing his remedies, as per law, if any of his applications/appeals under RTI Act are not validly considered by the respondents. No costs."

3.0 In compliance thereof, the respondents have passed a detailed speaking order dated 21.11.2017. The relevant parts of this order read as under :-

" xxx xxx xxx

And whereas, the case of Sh. Arvind Kumar, S/o Late Smt. Krishna Devi, Ex-Sweeper of Education Department, Govt. of NCT of Delhi, was initially considered

by the Screening Committee held on 18-19/09/2013 and further in the meetings 09-11/07/2014, 06/08/2014 and 18/09/2014 & 04.01.2016, 13.01.2016, 02.02.2016, and was not recommended on comparative merits as per scheme for compassionate appointment and other instructions issued by DOPT, Govt. of India, from time to time.

xxx xxx xxx

And whereas, in view of the directions of Hon'ble Tribunal, information/ documents received in the case of Sh. Arvind Kumar, S/o Late Smt. Krishna Devi, Ex-Sweeper of Education Department, Govt. of NCT of Delhi, were placed before the Screening Committee in its meeting held on 20.09.2017. The Committee considered the case of Sh. Arvind Kumar, S/o Late Smt. Krishna Devi alongwith 393 other cases for appointment on compassionate grounds.

And whereas, there were 184 vacancies of different categories under Group "C" and erstwhile Group "D" posts available for appointment on compassionate grounds, accordingly, the Screening Committee recommended 184 candidates for compassionate appointment. As per point based system the last candidate recommended by the committee has scored 40.18 points, whereas Sh. Arvind Kumar has scored 34.85 points. And whereas; the committee after consideration of facts of the case and points scored by the applicant did not recommend the case of Sh. Arvind Kumar, S/o Late Smt. Krishna Devi for appointment on compassionate grounds due to non availability of sufficient number of vacancies.

xxx xxx xxx

"The applicant's representation has, therefore, been rejected once again.

4.0 The applicant is aggrieved and has pleaded that his case has not been considered and it has been rejected. The applicant also submitted a copy of the Minutes of the Meeting of Screening Committee held on 20.09.2017 to consider the cases for appointment on compassionate ground.

It is seen that the Screening Committee comprised of four officers, namely, Secretary [Tourism] as Chairperson; Secretary [Services], Director (UTCS) and Spl. Secretary (GAD) as Members. This Committee had considered about 263 fresh cases and some other cases which were pending. The Committee selected 184 candidates and the last candidate in this list, who was recommended for compassionate ground appointment, had secured 40.18 marks. The applicant had secured 34.85 marks (para 3 supra), which are less as compared to the last candidate selected.

5.0 Matter has been heard at length.

6.0 Compassionate Ground appointment is not a vested right. It is a benevolent consideration to be extended by the respondents to take care of the immediate needs of the bereaved family and to avoid conditions of penury being faced by such a family.

This consideration has since been extended many times and it is in view of limited number of posts available for such appointments (only 5%), whereas number of applicants is larger, that certain system of award of marks to assess relative merit, has been adopted by the respondents wherein the applicant secured 34.85 points whereas the last candidate recommended had secured 40.18 points and thus the applicant was lower in merit and could not succeed. This cannot be faulted. Accordingly, it is not a case of any discrimination.

7.0 This order dated 21.11.2017 very clearly states that the case of the candidates was considered by this Screening Committee in their Meeting held on 18-19.09.2013, 09-11.07.2014, 06.08.2014, 18.09.2014, 04.01.2016, 13.01.2016, 02.02.2016 and on 20.09.2017. In view of the foregoing, it is difficult to agree to the averment of the applicant that his case has not been considered. A specific attention is also drawn to the speaking orders passed on 21.11.2017 (Para 3 Supra).

8.0 The applicant had also pleaded that the criteria of awarding marks has not been disclosed. However, this is beyond the scope of relief sought by applicant in this OA. The Tribunal is of the view that since applicant has not brought out anything to allege any discrimination vis-à-vis other candidates, there is no reason to believe that marks were awarded on an inequitable basis.

9.0 In view of the foregoing, nothing subsists in this OA. The same is dismissed being devoid of merit.

10.0 However, the applicant had also produced a letter, issued by the Services Department, Govt. of NCTD dated 28.03.2018, in reference to his grievance lodged with them. In this letter, the applicant has been advised as under:-

"This is with reference to your grievance ID No. 201523088 received through Public Grievance Monitoring System Portal.

In this connection, I am directed to inform that your application for appointment on Compassionate grounds received in this department and the same was placed before the Screening Committee in its Meeting held on 18-19/09/2013. The decision of the committee already conveyed vide this office letter even no. dated 20.12.2013. It is also informed that in case submission of representation for reconsideration by you the case will be place before the screening committee in its next meeting, if approval by the competent authority is accorded for the same.

"The applicant and respondents are at liberty to consider and take appropriate action in this regard.

11.0 There shall be no orders as to costs.