

(2018) 11 CAT CK 0114

In the Central Administrative Tribunal

Case No : Original Application No. 3351 Of 2015

Ashok Kumar

APPELLANT

Vs

North Delhi Municipal Corporation And Anr

RESPONDENT

Date of Decision : 15-11-2018

Acts Referred:

Citation : (2018) 11 CAT CK 0114

Hon'ble Judges : S.N. Terdal, J

Bench : Single Bench

Advocate : G.D. Bhandari, Anupama Bansal

Final Decision : Dismissed

Judgement

1. I have heard Mr. G.D.Bhandari, counsel for applicant and Mrs. Anupama Bansal, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In OA, the applicant has prayed for the following reliefs:

"(a) set aside and quash the impugned Order whereby the candidature of the Applicant has been rejected;

(b) direct the respondent to re-scrutinize the application form of the Applicant;

(c) any other order, direction or relief, which this Hon'ble Tribunal deems fit, just and proper be also passed/granted to the applicant under the facts and circumstances of the case and in the interest of justice. Allow this applicant with costs in favour of the applicant and against Respondent."

3. The relevant facts of the case are that the father of the applicant, late Shri Ram Singh died in harness on 26.10.2011, leaving behind the mother of the applicant Smt. Shanti Devi, the applicant and another son Shri Raj Kumar and one daughter Lalita. The applicant applied on 21.11.2011 for compassionate appointment with no objection from the other dependants. The applicant states

that as no one in the family of the deceased was employed, they were living in penury. The applicant approached the respondents several times. Ultimately, by the impugned letter dated 13.04.2015, he came to know that his case was rejected. He has filed this application stating that he fulfills all the requisite qualifications and eligibility for appointment on compassionate ground. But, however, his application is rejected unjustly and arbitrarily without carefully scrutinizing his application in a bias manner. Though he has filed his application in 2011 without considering his application every two years as required under the policy, they have considered it in 2014. The applicant relied on the law laid down by the Hon'ble Supreme Court in the case reported as AIR 1989 SC 1976 and another case reported as 2003(7) SCC 511. He has also relied on the order of the Ernakulam Bench of this Tribunal in the case of P.S.Sujithkumar Vs. UOI and Others (OA No. 180/00576/2014).

4. The respondents have filed counter reply. In the counter reply they have specifically stated that the case of the applicant was duly considered along with the other applications. That all the applications for compassionate appointment were considered as and when vacancies arose. That only one vacancy arose in 2013 as such the applicant was considered along with other candidates by the Compassionate Appointment Committee on 18.12.2014. The candidature of the applicant was considered as per the DoP&T Circular and the Circular issued by Labour Welfare Department on the subject. After considering the case of the applicant, vis-à-vis the case of other applicants, the duly constituted Compassionate Appointment Committee did not recommend the name of the applicant. Accordingly, the applicant was informed by the impugned letter dated 13.04.2015. As the case of the applicant is duly considered, there is no merit in the OA and hence it requires to be dismissed.

5. The counsel for the respondents has relied upon the following judgments of Hon'ble Supreme Court:-

- (1) Himachal Road Transport Corporation Vs. Dinesh (JT 1996 (5) SC 319).
- (2) Hindustan Aeronautics Limited Vs. Smt. A.Radhika Thirumalai (JT 1996 (9) SC 197)
- (3) Life Insurance Corporation of India Vs. Mrs. Asha Ramchander Ambedkar and others (JT 1994 (2) SC 183).
- (4) Umesh Kumar Nagpal Vs. State of Haryana and Others (JT 1994 (3) SC 525)
- (5) SAIL Vs. Madhusudan Das (2008 (15) SCC 560)
- (6) SBI Vs. Anju Jain (2008 (8) SCC 475)
- (7) Union of India Vs Shashank Goswami (2012 (11) SCC 307)
- (8) SBI Vs. Raj Kumar (2010 (11) SCC 661)
- (9) Chief Commissioner, Central Excise and Customs, Lucknow and Others Vs.

Prabhat Singh (2012 (13) SCC 412).

6. In view of the law laid down by the Hon'ble Supreme Court and in view of the fact that the case of the applicant has been duly considered, though the impugned letter does not specifically mention the entire selection process and the reasons for the rejection, I am of the opinion that the impugned order dated 13.04.2015, does not suffer from any infirmity.

7. Accordingly, the OA is dismissed. No order as to costs.