

(2023) 07 CAT CK 0030

In the Central Administrative Tribunal

Case No : Original Application No. 971 Of 2021

Hari Paramdeep Singh

APPELLANT

Vs

Ordnance Parachute Factory, Ministry Of Defence Through Its
General Manager, Naplean Road, Cantonment, Kanpur, Now
known As Gliders India Limited & Ors & Ors

RESPONDENT

Date of Decision : 15-07-2023

Acts Referred:

Citation : (2023) 07 CAT CK 0030

Hon'ble Judges : Om Prakash VII, Member (J)

Bench : Single Bench

Advocate : Shambhu Chopra, Jaswant Singh, Chakrapani Vatsyayan

Final Decision : Disposed Of

Judgement

Om Prakash VII, Member (J)

1. The present O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 for directing the respondent No. 1 to reconsider sympathetically for appointment on compassionate ground.

2. The brief facts of the case are that applicant's father Sardar Gyanendra Singh, was Tailor in the office of respondent No. 1, died on 16.6.1994 when applicant was only 7 years of age. Applicant's mother had already expired on 1.4.1991. Applicant filed a succession case in the District Court, Kanpur which was allowed vide order dated 1.2.1996, directing him to apply for compassionate employment to the respondent No. 1 after attaining the age of majority. Applicant attained majority on 30.9.2005 and immediately applied for compassionate job. Applicant received a reply dated 1.10.2007 by which it was informed that application of the applicant was belated by eleven years and could not be considered. Applicant sent another letter to the Chairman, O.F. Board, Kolkatta, thereafter, applicant received two letters from Joint General Manager, Administration dated 5.8.2008 and 27.8.2008 informing the applicant that the application of the applicant for

compassionate appointment has been considered and after due consideration the same has been refused because the same has been filed after 11 years. Applicant submitted repeated representation but vide letter dated 23.8.2018, it was again informed to the applicant that his case was considered by the Screening Committee on 21.4.2011 but since he had procured only 63 points due to which he was not considered for compassionate appointment. Vide letter dated 30.12.2019, applicant was informed about the result of the screening committee. Applicant again sent a letter dated 11.6.2020 and in response to which, vide letter dated 1.7.2020 (Annexure A-21), it was informed that his application for compassionate appointment is still under consideration and in case vacancy under compassionate quota will arise in future, your case will also be considered along with other candidates. Applicant received letter dated 5.5.2021, which is an RTI reply, by which names of candidates were considered since 2005 for compassionate appointment has been furnished to the applicants along with date of screening committee and all the candidates who had selected had obtained more than 63 marks.

3. Per contra, learned counsel for the respondents filed counter stating therein that after the death of his father, applicant submitted application for compassionate appointment on 9.7.2003 and subsequently on 26.9.2003 which was disposed off vide order dated 1.10.2017. Subsequently, as per instructions dated 1.7.2010, in which it was mentioned that if a dependent of the deceased govt. servant who was minor at the time of death of employee, such type of applications for compassionate appointment after attaining the age of 18 years was to be considered and cannot be treated as time barred, case of applicant was considered by the screening committee but due to less merit, he could not be offered appointment, Points obtained by selected candidates were 73, 72, 70, 69. The case of the applicant was again considered on 12.2.2014 along with 30 candidates, applicant secured only 63 marks. It is further stated that in the year 2020 and in the year 2021, cases for compassionate appointment were considered for 02 vacancies and for 01 vacancy but due to less merit, his case could not be considered.

4. Heard the learned counsel for the parties.

5. Learned counsel for applicant argued that applicant earlier respondent took the stand that his application was late by eleven years and later they took the stand that he had obtained only 63 points which was below the requisite number. In reply to the RTI application, it was informed vide letter dated 1.7.2021 (Annexure A-28) that since 2005, 18 applicants had been given compassionate appointment even though they had procured lesser than 63 marks but applicant has been ignored.

6. Learned counsel for respondents argued that the case of the applicant along with other candidates had been considered several times but screening committee has not found his case fit for compassionate appointment as per govt. instructions being a very belated case. After the instructions dated 1.7.2010, the

case of the applicant was considered every time since 2011 but he could not get place because of low scoring.

7. I have considered the rival submissions of the parties and have gone through the entire record.

8. From perusal of letter dated 1.7.2021 (Annexure A-28 of the O.A.), respondents have furnished information of candidates appointed since 2005 on compassionate ground and their marks assigned by the department in which names of 48 selected candidates have been given. Out of them, many selected candidates had obtained the marks below 63 and they were given appointment but the applicant having secured 63 points have not been given appointment. The plea of the respondents is that case of applicant is still under consideration as stated in letter dated 1.7.2020 (Annexure A-21 to the O.A.), I am of the view that respondents reconsider the case of the applicant again for compassionate appointment along with other candidates as and when screening committee constituted and pass a speaking and reasoned order. It is also directed that the order must contain the details such as number of vacancies in the year in which applicant's case was considered, names of the candidates who were considered and their relative merit in the selection process. This exercise shall be completed within a period of 04 months from today.

9. With the above observations, O.A. stands disposed off.

10. There shall be no order as to costs.

11. All the MAs pending in this O.A. also stand disposed off.