

Gurbax Singh
2016.12.20 11:49

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 24081 of 2016 (O&M)

Date of decision: 22.11.2016

Mandeep Singh

.....Petitioner

Vs.

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. S.L.Chander Shekhar, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. Prayer in this petition filed under Articles 226/227 of the Constitution of India is for quashing the order dated 30.9.2016 passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (CAT) whereby the original application filed by the petitioner against the order dated 12.8.2016, Annexure A.1 rejecting his claim for grant of employment on compassionate grounds has been dismissed.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The father of the petitioner Shri Rajinder Singh ex-MTD was serving the respondent department who died during the service on 24.2.2011 in harness leaving behind Harjit Kaur, widow and two sons – the elder one Surinder Singh who is 100% disabled person and the petitioner, being the legal heirs. The widow applied for grant of employment to the petitioner. One of the officers of the respondents sent a letter to the petitioner to produce the caste certificate

from the concerned authorities. The petitioner obtained caste certificate dated 5.11.1998 from the concerned authority on 24.11.2011 (Annexure A.5). The petitioner passed matriculation examination from the Punjab School Education Board on 25.3.2002 (Annexure A.6). He also passed 10+2 examination from the Punjab School Education Board in the year 2003. After the death of his father, the entire family is being looked after by the petitioner. The mother of the petitioner is an old lady and is not in a position to do the work. The elder brother of the petitioner is a handicapped person. The petitioner approached the CAT vide OA No.060/00385/2014 and the CAT vide order dated 14.7.2015, (Annexure A.11) disposed of the said application with a direction to the respondents to consider his claim for appointment on compassionate grounds in the light of the instructions issued by the department if a fresh application was filed by him. In compliance with the said order, the petitioner again represented to the respondent authority for grant of employment on compassionate grounds. Vide order dated 12.8.2016 (Annexure A.1), the respondent authority rejected the claim of the petitioner. The Tribunal after considering the matter dismissed the application filed by the petitioner vide order dated 30.9.2016. Aggrieved thereby, the petitioner is before this Court through the instant writ petition.

3. We have heard learned counsel for the petitioner.

4. On a perusal of the order passed by the Tribunal dated 30.09.2016, we find that the claim of the petitioner for employment on compassionate grounds was considered by the Screening committee on 22.6.2016 alongwith 89 other applicants for the year 2015-16. However, his case could not come up in merit for selection within available number of vacancies due to lower merit points compared to the selected candidates.

The respondents had conveyed to the petitioner the merit points earned by him and the selected candidates. It has been categorically recorded by the Tribunal that the petitioner had earned 49 merit points while the selected candidates had merit points ranging from 66 to 86. Learned counsel for the petitioner had not been able to point out any defect in the calculation of the merit points before the Tribunal and thus, his application was rightly dismissed. The relevant findings recorded by the Tribunal read thus:-

“4. We have perused the documents annexed with the OA and it is seen that para 4 of the impugned order dated 12.8.2016 reads as under:-

‘4. Accordingly, your application for employment in a Group C post (Grade Pay Rs.1900/-) on compassionate grounds has been considered by the Screening Committee on 22nd June 2016 alongwith 89 other applicants for the year 2015-16. However, your case could not come up in merit for selection within available number of vacancies owing to lower merit points (49) compared to the candidates selected having merit points as indicated in the annexed statement (Annexure-I). The manner in which the merit points are worked out, in accordance with the instructions of Ministry of defence, is also indicated in the statement. Break up of your total merit points is also enclosed (Annexure II).’

The respondents had conveyed to the applicant the merit points earned by the selected candidates (Annexure I attached with the impugned order) and also the details of the merit points earned by the applicant (Annexure II attached with the impugned order).

It is evident from the impugned order that the applicant was only awarded 49 merit points while the selected candidates had merit points ranging from 66 to 86. The learned counsel for the applicant has not been able to point out any defect in the

calculation of the merit points and hence, there appears to be no basis for filing this OA. We do not therefore, consider it necessary to issue notice to the respondents in this matter and the OA is dismissed in limine.”

5. Even before this Court, learned counsel for the petitioner has not been able to produce any material on record to show that the findings recorded by the Tribunal are erroneous. Consequently, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

November 22, 2016
‘gs’

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes