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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1373/2018

PANKAJ KHITHOLIYA Petitioner

Through: Mr. Tushar Sinha, Adv.

versus

L & CA SECTION OFFICER, CENTRAL PUBLIC WORKS
DEPARTMENT AND ORS Respondent

Through: Mrs. Bharathi Raju, CGSC for R-1 to
R-3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

11.12.2018

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1. The petitioner assails the order dated 23.02.2017 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 3376/2015. The Tribunal has rejected the petitioner's Original Application wherein he had sought the relief that he be granted Compassionate Appointment in view of the fact that his father Late Shri Om. Prakash, while working as Class IV employee in CPWD died in harness on 26.06.2010.

2. The petitioner made his application to seek Compassionate Appointment. In the year 2011, a Committee which screened the cases of the petitioner along with other applicants found another applicant, namely Kumari Archana Kumari, more deserving of Compassionate Appointment in respect of the one post reserved to be filled through Compassionate

Appointment (being 5% of the available vacancies).

3. The petitioner's case was again considered in 2016 and on this occasion Smt. Reena was found to be more deserving since she secured 114 marks as opposed to the petitioner who secured 65 marks. Consequently, the petitioner was not granted Compassionate Appointment.

4. The submission of learned counsel for the petitioner is that the respondents kept alive the petitioner's hopes of his getting an appointment on Compassionate basis, since they kept informing the petitioner that his case may be considered at an appropriate time.

5. The respondent was required to file an affidavit vide order dated 13.02.2018. The same has been placed on record. The affidavit discloses the number of vacancies that were available to be filled through Compassionate Appointment on year wise basis. It also contains the minutes of the Screening Committee Meetings held wherein the case of the petitioner was considered. When the case of the petitioner and the other applicants was considered in 2011, it was found that Kumari Archana Kumari was more deserving. She had lost both the parents. She had just attained majority. The family pension, DGRC, leave encashment, CGEGIS amounts received by Archana Kumari were far less than that received by the petitioner on account of his father's demise. The petitioner was 31 years of age at the time of demise of his father. Obviously, Archana Kumari was found to be more deserving of Compassionate Appointment.

6. Similarly, when the case of the petitioner was considered along with other applicants on 18.10.2016, one Smt. Reena was found to be more meritorious having secured 114 marks, as opposed to the petitioner, who was awarded 65 marks. We may observe that there were other candidates

who had secured 86 and 79 marks. Consequently, the Committee had recommended the appointment of Smt. Reena and Smt. Mamta for the periods 01.01.2011 to 30.06.2014 and 01.07.2014 to 31.12.2015.

7. We are, therefore, satisfied that the petitioner has not be discriminated in the matter of consideration of his application. Since there were more deserving cases which had first to be accommodated by grant of Compassionate Appointment and numbers of vacancies were limited, the petitioner was not appointed on Compassionate ground. We may observe that Compassionate Appointment is granted to provide immediate succour to the family of the government servant who dies in harness. Since the petitioner's father died in 2010, the immediate urgency and need which may have then existed, no longer survives and there is no merit in the petitioner's claim.

8. Accordingly, the petition stands dismissed.

VIPIN SANGHI, J

JYOTI SINGH, J

DECEMBER 11, 2018

N.Khanna