

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

Civil Writ Petition No. 9080 –CAT of 2019 (O&M)

Date of Decision: 16.10.2019

Dinesh son of late Mohan Singh

.....Petitioner

versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
 HON'BLE MR. JUSTICE RAJIV SHARMA, JUDGE**

Present : Mr. Anil Kumar Bhardwaj, Advocate, for the petitioner.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

This petition has been filed by the petitioner being aggrieved by the impugned order dated 24.10.2018 passed in O.A. No. 060/01171/2014 whereby the application of the petitioner for claiming appointment on compassionate ground was dismissed.

Learned counsel for the petitioner submits that the petitioner's father died in harness on 02.09.2010 and thereafter he applied for compassionate appointment on 27.10.2010 but his application was not considered by the authorities for a long period of nine months. It is submitted that thereafter the petitioner's application was considered and he was not granted compassionate appointment on the ground that he had secured less marks.

Learned counsel for the petitioner submits that had the respondents' authorities immediately processed the application for compassionate appointment filed by the petitioner on 27.10.2010 and considered his case in the Circle Relaxation Committee (CRC) on 08.07.2011, the petitioner would have secured more marks than those selected and granted appointments. It is submitted that the Tribunal has recorded a categorical finding in this regard in favour of the petitioner though in fact the respondents' authorities have not been able to place sufficient evidence or submit any satisfactory explanation for not processing the application of the petitioner for 9 months. It is submitted that in the absence of the aforesaid explanation on the part of the respondents' authorities, the Tribunal has erred in dismissing the Original Application filed by the petitioner and not directing the authorities to grant him compassionate appointment.

We have heard learned counsel for the petitioner.

From the perusal of the order passed by the Tribunal which has considered all the facts and submissions in detail, it is apparent that the petitioner had filed an application seeking compassionate appointment on 27.10.2010 whereafter three CRC meetings were held on 08.07.2011, 28.02.2012 and 10.08.2012 respectively. It is also evident and is infact the submission of the petitioner himself that his application was incomplete on account of the fact that he had not filed NOC of the other members of the family which formality was completed later on and that the petitioner for the first time gave an option for being considered for appointment on compassionate ground on the post of MTS on 02.07.2012. The Tribunal in paragraph-7 of its order has accepted the contention of the petitioner in this

regard and has held that in view of the defect in the application and the delay in submitting the preference his case was not considered in the previous two CRC meetings held on 08.07.2011 and 28.02.2012. The Tribunal has also recorded a finding on careful scrutiny of the record that the CRC which was actually held on 10.08.2012 in which the case of the petitioner was considered along with 49 other candidates held that the petitioner secured less marks and therefore, he was not granted compassionate appointment.

We do not find any infirmity or illegality in the reasoning and the findings recorded by the Tribunal. It is a settled law that this Court does not sit as an Appellate Authority over the orders of the Tribunal and is only required to interfere in case of apparent illegality or perversity which is absolutely absent in this case.

In the circumstances, we do not find any merits in the petition and the same stands dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(RAJIV SHARMA)
JUDGE

16.10.2019

ravinder sharma

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√