

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

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CWP-12605-2017

Date of Decision : February 19, 2020

AMIT KUMAR

.....Petitioner

VERSUS

UNION OF INDIA AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. J.S.Virk, Advocate for the petitioner.
Mr. S.K.Mahajan, Advocate for the respondent-UOI.

NIRMALJIT KAUR, J. (Oral)

The prayer in the present petition is to appoint the petitioner on compassionate ground on the post of Labourer (regular) on which his father was working as Labourer (regular) and died in harness on 5.1.2011 in view of the order passed by the Central Administrative Tribunal, Chandigarh on 21.11.2014.

A perusal of the order dated 21.11.2014 passed by the Central Administrative Tribunal shows that the Original Application was disposed of with a direction to the respondents to re-consider the case of the petitioner for compassionate appointment conscientiously and as per law. The respondents, thereafter, passed the speaking order dated 31.3.2015 Annexure P-9 rejecting the case of the petitioner. Therefore, to the said extent order dated 21.11.2014 Annexure P-8 passed by the Central Administrative Tribunal has since been complied with. Instead of challenging the said order before the Tribunal, the petitioner has approached this Court.

In any case, reply has been filed and as per the said reply, the case of the petitioner was considered for appointment on compassionate ground to a group C post. As per his application, the Board allotted points to all the 121 applicants as per the 100 points scale laid down by the Government. The petitioner secured 56 points and his name was figured at serial No.84 in the merit list so prepared. The first nine deserving candidates have been appointed on the available nine vacancies on the compassionate appointment quota. The case of the petitioner was rejected being low in merit as the petitioner secured 56 marks whereas, the last recommended candidate secured 71 marks.

At this stage, learned counsel for the petitioner submitted that his case be considered in group D instead of group C and he will be happy if he is appointed as a Labourer. However, the same too does not help as it is evident from Annexure R-5 that the scheme is for compassionate appointment provided in group C and group D and erstwhile group D which has been reclassified as group C. A perusal of Annexure R-5 shows that the decision has been taken by the competent authority that there will be no further recruitment in group D and the existing group D posts will be replaced in group C for which the case of the petitioner was duly considered with applicants but he did not make in the merit.

Dismissed accordingly.

February 19, 2020
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No