

Central Administrative Tribunal
Jammu Bench, Jammu

Hearing through video conferencing

Original Application No. 61/76/2023

This the 30th day of January, 2023

Hon'ble Mr. Suresh Kumar Monga, Member (J)



1. Surinder Singh, Age 31 years, S/o Late Sh. Youg Raj, R/o Sanasar, Post Office Batote, Tehsil Batote, District Ramban-182143.

...Applicant

(Through Advocate: Mr. C B Slathia)

Versus

1. UT of Jammu & Kashmir through its Commissioner/Secretary, PHE/Jal Shakti Department, Civil Secretariat, Jammu-180001
2. Chief Engineer, PHE/Jal Shakti Department, Jammu-180001.
3. Executive Engineer, Hydraulic Division, Ramban-182144.

...Respondents

(Through Advocate: Mr. Hunar Gupta, Deputy Advocate General)

ORDER

Mr. C B Slathia, learned counsel for the applicant submitted that the applicant's father Shri Youg Raj had been working as Motorman and unfortunately he died on 18.08.2017 while in the services of the respondents. After the death of his father, the applicant submitted his request for grant of appointment on compassionate grounds. His request was earnestly considered by the Chief Engineer, Public Health Engineering, Jammu and while making a recommendation to the Secretary to Government, PHE, I&FC department vide communication dated 23.07.2018, it was stated that the applicant's case has been found to be in order, strictly as per

Circular No. 07 of 2006 of the General Administration Department and, therefore, he may be considered for appointment on compassionate grounds in terms of SRO-43 of 1994.



2. It appears that pursuant to said recommendation, the Chief Engineer was asked by the Government vide communication dated 17.12.2018 to recommend the applicant's case against any vacant Class-IV post. Thereafter, no action seems to have been taken by the respondents upto August 2022. A communication dated 05.08.2022, however, came to be issued at the instance of Executive Engineer, Jal Shakti Hydraulic Division, Ramban stating therein that there is no Class-IV post @ 1300/- grade pay available in his Division.

3. Aggrieved by the said action of the respondents, the applicant herein has invoked the jurisdiction of this Tribunal under Section-19 of the Administrative Tribunals Act, 1985 in order to seek a direction to respondents to appoint him on compassionate grounds in view of the provisions of SRO-43 of 1994.

4. Learned counsel for the applicant submitted that if as per the Executive Engineer, Jal Shakti, Hydraulic Division, Ramban, no post is available in his division, the candidature of the applicant could have been considered in any other division for appointment on a Class-IV post.



5. Learned counsel for the applicant stated that the applicant will be satisfied, if the present Original Application is disposed of with a direction to Respondent No. 1 to decide his case for grant of appointment on compassionate grounds within a time frame.

6. Keeping in view the aforestated limited prayer made by learned counsel for the applicant, I deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

7. Accordingly, the Original Application is disposed of with a direction to Secretary to Government, PHE/Jal Shakti Department, Jammu (Respondent No. 1 herein) to decide the applicant's pending case with regard to appointment on compassionate grounds strictly in terms of SRO 43 of 1994. Before taking such a decision, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of six weeks from the date of receipt of a certified copy of this order.

8. Ordered accordingly.

9. However, there shall be no orders so as to costs.

(Suresh Kumar Monga)
Member (J)

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