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Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No.1064/2002

This the 8th day of October, 2002

Hon'ble Shri V.K. Majotra, Member (A)

Smt. Sunder  
W/o late Shri Narayan,  
R/o C-9/459, Sultanpuri,  
Delhi-41.

-Applicant

(None present)

Versus

1. The Union of India  
Through the Secretary  
Ministry of Urban Development,  
New Delhi.
2. The Director General (Works)  
Central Public Works Department,  
Nirman Bhawan,  
New Delhi.
3. The Executive Engineer,  
CD-IV, CPWD, IARI PUSA,  
New Delhi.

-Respondents

(By Advocate: Shri N.S. Mehta)

ORDER (Oral)

Applicant has been aggrieved by indecision of respondents in the matter of her appointment on compassionate ground consequent upon the death of her husband late Shri Narayan Singh who was working as a sewer man under the respondents on 21.7.98. In the absence of the applicant and her counsel, I have proceeded to dispose of this OA in terms of Rule-15 of the Central Administrative Tribunal (Procedure) Rules, 1987 on considering the respective pleadings of the parties, material available on record and hearing the learned counsel of the respondents.

2. On 3.10.2002, when this matter was taken up Shri R.K. Pandita, learned counsel of the applicant

*[Signature]*

had stated that he wanted to produce a judgment of the Supreme Court laying down that compassionate appointment has to be provided by the respondents by creation of supernumerary post in case vacancies are non-existent. Such judgment laying down that this Tribunal has the powers to create supernumerary post for applicant's seeking appointment on compassionate ground, has not been produced till today.

3. As none is present for respondents 1 & 2, they have been proceeded ex-parte. Shri N.S.Mehta, learned counsel of respondent No.3 referring to paragraph-8 of the reply filed on behalf of respondent No.3 stated that applicant has been found suitable for appointment on compassionate ground to the post of Sweeper. However, owing to Government orders which restrict such appointments to 5% of the direct recruitment quota, there are no vacancies at present. In this background, applicant's name has been included in the waiting list at Sl. No. 13 and she will be offered appointment as and when her turn matures.

4. This is a settled law that this Tribunal is not empowered to direct creation of supernumerary posts. Applicant has not produced any judgment of the Supreme Court to the contrary. Respondents have very fairly stated that whereas applicant is suitable for the post of Sweeper on compassionate ground, there are no vacancies at present in terms of Government orders restricting such appointments to 5% of the direct recruitment quota. They have also stated that

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applicant would be offered appointment as and when her turn matures.

5. In the facts and circumstances of this case, this OA is disposed of hoping that the respondents will stand by their statement and appoint the applicant on the post of Sweeper on compassionate ground as and when her turn approaches.

*Vk Majotra*

(V.K. Majotra)  
Member (A)

cc.