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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2458/2002
MA 2064/2002

New Delhi this the 20th day of September, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

1. Smt. Nara Devi,
W/O Bhola Singh Dhanai,
R/O E-100, Sector-15,
NOIDA (UP)-201301
District Gautam Budh Nagar.

2. Shri Shishpal Singh Dhanai,
S/O Late Bhola Singh Dhanai,
R/O E-100, Sector-15, NOIDA
(UP) Distt. Gautam Budh Nagar.

..Applicants

(By Advocate Shri K.N. Baghuguna)

~ VERSUS

1. Union of India,
through the Director of
Personnel (9/10), Research
and Development Organization,
Ministry of Defence, B Wing,
Sena Bhawan, New Delhi

2. Director,
Institute of Technology
Management, Govt. of India,
Ministry of Defence, Research
and Development Organization
Landour Cantt, Mussoorie

..Respondents

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

The applicants have filed this application, in which applicant No.2 has prayed that the OA may be disposed of with a direction to the respondents to consider his case sympathetically for compassionate appointment, in terms of Paragraph 7 (f) of the Scheme prepared by the Govt. of India, DOP&T, OM dated 9.10.1998. Learned counsel has submitted that the respondents in their letter dated 6.9.2001 have stated, inter alia, that it was not feasible

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to accede to the request of the widow of the late employee, Shri Bhola Singh Dhanai, to appoint her son i.e. applicant No.2 in the present case due to "non availability of vacancy under compassionate ground quota".

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2. Para 7(f) of the DOP&T O.M. dated 9.10.1998 reads as follows:-

" If sufficient vacancies are not available in any particular office to accommodate the persons in the waiting list for compassionate appointment, it is open to the administrative Ministry/Department/Office to take up the matter with other Ministries/Departments/Offices of the Govt. of India to provide at an early date appointment on compassionate grounds to those in the waiting list".

This Scheme has been prepared on the subject of compassionate appointment under the Central Government and has been revised as consolidated instructions, after taking into account the relevant parameters in such cases. Learned counsel for the applicant has also drawn my attention to the letter issued by the respondents dated 5.2.2001 (Ann.A.4). In this letter, it has been stated by the respondents that if the widow of the/late employee /applicant No.1 is still wanting employment on compassionate grounds, then her employment can be considered. They have also stated that the case for compassionate appointment is of applicant's son i.e. applicant No.2. Learned counsel for the applicants has submitted that applicant no.1 does not want compassionate appointment as she is a widow and also illiterate but had

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requested the respondents to consider her son for such appointment, in accordance with the rules and instructions.

3. Having regard to the above facts and circumstances of the case and the submissions made by the learned counsel, it appears that the respondents have not considered the request of applicant No.1 for compassionate appointment of her son, in terms of the aforesaid quoted Paragraph 7 (f) of the DOP&T, OM dated 9.10.1998, I, therefore, consider it appropriate to dispose of this OA at this stage itself even without issuing notices to the respondents with the following directions:-

Respondents to consider the application submitted by applicant no.1 earlier for compassionate appointment of her son i.e. applicant No.2, in terms of the relevant rules and instructions, including the provisions contained in Paragraph 7(f) of the DOP&T, OM dated 9.10.1998 with reference to their letter dated 6.9.2001. They may take further necessary action by taking up the matter with other Ministries/Departments/Offices of the Govt. of India to provide compassionate appointment to applicant No.2 at an early date, in terms of the provisions of the aforesaid Scheme. This shall be done within two months from the date of receipt of a copy of this order with intimation to the applicants. No order as to costs.


(Smt. Lakshmi Swaminathan)

Vice Chairman (J)

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