

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1368/2002

New Delhi, this the 23th day of May, 2002

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

Arun Pal Singh,
S/o Late Sri Samru Singh,
R/o A-16/2, Chandra Vihar,
Delhi -92

... Applicant

(By Advocate: Shri Shesh Datt Sharma)

V E R S U S

1. Union of India
through Secy. Min. of Defence
New Delhi.
2. Controller General of Defence Accounts,
West Block - V, R.K. Puram,
New Delhi.
3. Controller of Defence Accounts, (Army)
Meerut Cantt.

... Respondents

O R D E R (ORAL)

This is a case of compassionate appointment in which when the applicant first approached this Tribunal through OA No.777/2001, the matter was decided on 29.10.2001 by the Tribunal providing as follows:-

"4..... I feel that the ends of justice would be met to direct the respondents to consider the claim of the applicant for grant of compassionate appointment having regard that he has already been found fit and eligible as per the criteria laid down by the DOP&T and their scheme for grant of compassionate appointment against the available vacancy to be filled under the direct recruitment meant for compassionate appointment against 5% quota, in accordance with merits."

2. By providing as above, the Tribunal had, according to the learned counsel, clearly decided in favour of appointment of the applicant subject to the availability of a vacancy within the 5% quota. In pursuance of the aforesaid order of this Tribunal, the respondents have re-considered the matter and passed an order dated

15.2.2002 by which the applicant's claim has been rejected on the simple ground that no vacancy was available within the 5% quota.

3. The learned counsel appearing on behalf of the applicant submits that the aforesaid order, though presumably correctly passed in literal compliance of the aforesaid directions of this Tribunal, does not in terms indicate whether claims of persons like the applicant could be re-considered in future. In other words, whether the respondents maintain a waiting list for this purpose has not been made clear in the impugned order dated 15.2.2002. The submission made is that it will be entirely reasonable to expect the respondents to maintain a waiting list of candidates seeking appointment on compassionate basis. Once such waiting lists are prepared and maintained, the candidates included therein will become eligible to be considered again and again on vacancies becoming available in future within the 5% quota limit from time to time.

4. I have carefully considered the aforesaid submissions made and find myself inclined to dispose of the present OA, at this very stage, even without issuing notices with the following direction to the respondents:-

- (i) Respondents should make it clear whether a waiting list of candidates seeking appointment on compassionate basis is maintained in their department. If 'Yes', they should indicate the status of the present applicant in that list;

- (ii) Based on the applicant's status in such a list, the respondents should indicate the possible time frame within which he could be appointed in his turn;
- (iii) If the respondents, on the other hand, have not been maintaining any waiting list of this kind, they will state reasons for not doing so and quote instructions, if any, relied upon for this purpose; and
- (iv) The method followed in preparing and maintaining waiting lists if any for this purpose will also be explained.

5. The aforesaid exercise will be completed by the respondents within a period of three months from the date of receipt of a copy of this order. The present OA will be treated by them as a representation made on behalf of the applicant for taking action as above.

6. The present OA is disposed of in the aforestated terms.



(S.A.T. RIZVI)
MEMBER (A)

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