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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2285/2002

This the 26th day of May, 2003

HON'BLE SH. V.K.MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Smt. Bhagvati Rana
Widow of Sh. Late H.S.Rana
Qr. No.86-B, Panchwati, Palam
Delhi Cantt-110010.

(None)

Versus

1. Union of India
Through Secretary,
Ministry of Defence,
South Block,
New Delhi-110011.
2. The Controller General of Defence
Accounts,
West Block V, R.K.Puram,
New Delhi-110066.
3. The Principal Controller of Defence
Accounts
Western Command, Chandigarh.
4. The Area Accounts Office
(Western Command)
Tigris Road
Delhi Cantt-110010.

(By Advocate: Sh. A.K.Bhardwaj)

O R D E R (ORAL)

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

We have proceeded to dispose of this application in
terms of Rule 15 of the CAT (Procedure) Rules, 1987 by
considering respective pleadings of the parties and hearing
the learned counsel for the respondents.

2. This application has been made against Annexure-A dated 14.6.2001 issued by the respondents rejecting applicant's application dated 30.5.2001 seeking compassionate appointment on the grounds that there is no vacancy for compassionate appointment in the organisation.

3. Applicant's late husband Sh. H.S.Rana was working in the office of PAO(ORs)RRRC Delhi Cantt in the grade of Senior Auditor. He died in an accident on 6.8.2000. Applicant made application to Resp. No.3 seeking appointment on compassionate ground stating that she has four minor school children and that after the death of her husband she is getting a family pension of Rs.2950/- only.

4. It has been stated on behalf of the respondents that no compassionate appointment has been made in any Group 'C' or Group 'D' post in the organisation after the applicant made application on 11.9.2000 till date due to non-availability of vacancy under 5% quota fixed for compassionate appointment.

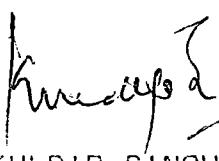
5. Applicant has relied on order dated 7.3.2002 in Debi Prasad Mohanty vs. Union of India and others in OA-135/2000 (Cuttack Bench) in which it was held that applicant therein be provided employment on compassionate ground against the next available vacancy.

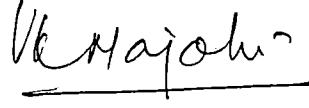
6. Counsel of the respondents contended that as 5% quota fixed for compassionate appointments had been exhausted, respondents have not been able to provide any compassionate appointment in any Group 'C' or Group 'D' post in the organisation and as such applicant's application for compassionate appointment has been rejected.

7. Vide DOPT letter dated 8.2.2001 the provision of maintaining waiting list of approved candidates for compassionate appointment has been discontinued. Now there is no provision for approving cases in the absence of vacancies

for compassionate appointment and keeping them in the waiting list DOPT has clarified that recommendation for appointment on compassionate ground should be made by the Committee only if vacancy would be available within a year, and that ceiling of 5% should also be adhered to. These instructions do not appear to have been considered by the Cuttack Bench in the case of Debi Prasad Mohanty and as such it would not be binding. Appointment on compassionate grounds is intended to render immediate assistance to the family of Government servant who dies in harness leaving his family in financial crisis. Such appointment can be provided only to fill up to 5% of vacancies that arise for direct recruitment. When limited number of vacancies are available, only the more deserving cases can be accommodated under the scheme. However, when no vacancies are available under 5% quota for appointment on compassionate grounds, denial of respondents to offer appointment on compassionate ground to a person like the applicant cannot be faulted.

8. Having regard to the above discussion this OA must fail and is dismissed accordingly. No costs.


(KULDIP SINGH)
Member (J)


(V.K. MAJOTRA)
Member (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 242/2003
in
O.A. NO. 2285/2002

This the 25th day of August, 2003

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

Smt. Bhagvati Rana

... Applicant

-versus-

Union of India & Ors.

... Respondents

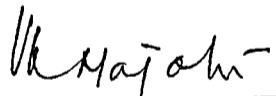
O R D E R (By Circulation)

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

O.A. No.2285/2002 was dismissed by order dated 26.5.2003. This application has been made seeking review of the aforesated order.

2. We have carefully gone through the records of the OA as also the order in question. There is no error apparent on the face of record. This review application is accordingly rejected in circulation.


(Kuldip Singh)
Member (J)


(V. K. Majotra)
Member (A)

/as/