

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.3306/2003

New Delhi this the 24th day of September, 2003.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Smt.Kaushalya W/o Late Shri Chunni Lal,
Wash Boy in C.D.A.(Army) Canteen,
R/o H.No.226 Kaseru Khera, Gandhi Mohalla,
Meerut.

... Applicant.

(By Advocate: Shri V.P.S.Tyagi)

Versus

1. Union of India
(through Secretary)
Ministry of Defence,
South Block, New Delhi
2. The Controller General of Defence Accounts,
West Block-V, R.K.Puram, New Delhi.
3. The CDA(Army) Meerut Cantt.

... Respondents

(By Advocate: Shri B.S.Jain)

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

Applicant's claim for compassionate appointment has been rejected vide order dated 9.10.2002 on the ground of non-availability of vacancy within one year within the ceiling of 5% meant for the purpose.

2. In the light of the DoPT instructions contained in OM dated 5.5.2003, wherein, in supersession of OM dated 3.12.1999 it has been decided that the one year limit of grant of compassionate appointment should not be adhered to and in genuine cases if it is not possible in the first year to grant compassionate appointment due to non-availability of regular vacancy the matter may be reviewed by the Committee for consideration of appointment against 5% quota on compassionate basis and this can be

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(2)

continued for another one year.

3. Having regard to the above, when it is pointed out to the learned counsel for respondents the same is not disputed.

4. As the above OM has a retrospective application, as nothing is indicative of the fact that the same would be applied prospectively, claim of applicant now can be re-considered in accordance with DoPT OM dated 5.5.2003. In this view of the matter, OA stands disposed of with the direction to the respondents to re-consider the claim of applicant for compassionate appointment in the light of the decision of the Government contained in OM dated 5.5.2003. No costs.

S. Raju
(Shanker Raju)
Member (J)

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