

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2776 OF 2002

New Delhi, this the 3rd day of October, 2003

HON'BLE SHRI SHANKER RAJU, JUDICIAL MEMBER

12

1. Smt. Madhu Kumari
widow of late Banwari Lal,
Ex. Binding Assistant,
Government of India Press, Aligarh (U.P.).

Residential Address :

C/o Shri Ashok Kumar 'Patti-Wale',
Gali No.1, Near Temple, Niranjana Puri-II,
Gwalior Road, Aligarh (U.P.).

2. Ravi Varshney,
S/o late Banwari Lal, Binding Assistant,
Government of India Press, Aligarh (U.P.).

Residential Address :

C/o Shri Ashok Kumar 'Patti-Wale',
Gali No.1, Near Temple, Niranjana Puri-II,
Gwalior Road, Aligarh (U.P.).

.....Applicants

(By Advocate : Shri D. N. Sharma)

Versus

1. Union of India
(Through:-The Secretary to the Govt. of India)
Ministry of Urban Development,
Nirman Bhawan, New Delhi.
2. The Director of Printing,
Government of India,
'B' Wing, Nirman Bhawan,
New Delhi.
3. The Manager,
Government of India Press,
Aligarh (U.P.).

.....Respondents

(None for the respondents even on the second call)

ORDER (ORAL)

Through the present OA, rejection of request
of compassionate appointment vide order dated 9.9.2002
is assailed.

2. The applicant NO.1 is widow of late Shri
Banwari Lal, who was working as Binding Assistant and

(2)

died in harness on 19.7.2001 leaving behind his widow, two sons and three daughters. Three other daughters are married. The applicants were accorded the terminal benefits amounting to Rs.2,76,748/- and family pension of Rs.2,313/- per month. The claim of the applicant NO.2 was considered by the Committee and rejected vide order dated 3.9.2002. One of the grounds to reject the claim is that consideration is limited and it has been stated in the order that "Even if the request is considered deserving, his case shall not mature within a year, as there is long waiting list. The compassionate appointment committee has therefore rejected the request of Shri Ravi Varshney for compassionate appointment". Learned counsel of the applicant - Shri D.N. Sharma contends that keeping in view the size of the family, responsibilities and the financial assistance accorded to the family of the deceased Govt. employee, the family of the applicants is really deserving and requires reconsideration for compassionate appointment in the light of the instructions on the subject of compassionate appointment earlier envisaged a time limit of offering such compassionate appointment within one year which has now been relaxed by DOP&T OM NO.14014/19/2002-Estt. (D), dated 5.5.2003 (Swamysnews July 2003). This OM states that the maximum time a person's name can be kept under consideration for offering compassionate appointment will be three years whereby the waiting list has to be operative upto the maximum period of three years for review.

3. None appeared for the respondents even on the second call. I proceed to dispose of this OA in terms of Rule 16 of the CAT (Procedure) Rules, 1987. I have heard Shri D.N. Sharma, learned counsel for the applicants and perused the material placed on record.

14

4. In the reply, the respondents have struck to OM dated 22.6.2001 issued by the DOP&T for compassionate appointment which restricts to available vacancies in that year.

5. Having considered the contentions put forth by the learned counsel for the applicants and *the*^h reply filed by the respondents, as the family of the deceased Govt. employee consists of six members and the fact that the case has been rejected in view of the ceiling of 5% vacancies under the direct recruitment quota in a year, in the light of DOP&T's OM dated 5.5.2003 whereby the time limit earlier laid down for consideration in deserving cases has been extended from one year to three year and person's name can be kept for consideration for offering compassionate appointment for three years. The aforesaid instructions do not specify that the same are prospective, but relate back to the date of consideration.

6. In the light of the above, OA is partly allowed. Impugned order dated 9.9.2002 is quashed and set aside. The respondents are directed to reconsider the claim of the applicant No.2 for compassionate

(4)

appointment strictly in accordance with DOP&T's OM
dated 5.5.2003 within three months from the date of
receipt of a copy of this order by passing a detail
and speaking order. No costs.

S. Raju

(SHANKER RAJU)
JUDICIAL MEMBER

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