

Central Administrative Tribunal  
Principal Bench, New Delhi

O.A.No.49/2002

Hon'ble Shri Shanker Raju, Member(J)

Friday, this the 16th day of August, 2002

Mrs. Madhu Ramesh  
w/o Late Shri Ramesh, Mazdoor  
House No.RZ-597/A-403  
Gate No.15, Shiv Puri  
West Sagarpur  
New Delhi - 110 046. .... Applicant

(By Advocate: Major D.K.Ramesh)

Vs.

1. Union of India through  
Secretary  
Ministry of Defence  
DHQ PO New Delhi - 110 011.
2. Engineer in Chief  
Army Headquarters  
DHQ PO - New Delhi - 110 011.
3. Chief Engineer, Delhi Zone  
Delhi Cantonment  
New Delhi - 110 010.
4. Garrison Engineer (I) R&D  
Lucknow Road  
Delhi - 110 054. .... Respondents

(By Advocate: Mrs. Harvinder Oberoi)

O R D E R (Oral)

By Shri Shanker Raju, M(J):

Heard both the parties.

2. The challenge made by the applicant is against the order passed by the respondents' order dated 29.1.2001 where despite complying the directions for compassionate appointment within three months, i.e., 9.3.1999 on the date of the deceased Government servant, the respondents in view of the decision of the Apex Court and Headquarters' letter dated 12.8.2000, rejected the case of the applicant and

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✓ deleting from the list of waiting list of compassionate ground appointment on the ground that the same is more than one year old.

3. Learned counsel for applicant draws my attention to a decision of Cuttuck Bench in OA 135/2000 where relying upon the decision of the Apex Court no tenure existing under the quota for compassionate appointment, has been rejected and directions have been issued to consider the applicants therein for compassionate appointment in Group "C" post.

4. Learned counsel for respondents, today in the Court, has produced an order passed by the respondents dated 10.7.2002 which has been sent to the applicant as well wherein on review of the policy, case of the applicant has been considered and found to be not deserving. However, it is also observed that three more chances would be given to the applicant as per the latest instructions.

5. Learned counsel for applicant states that copy of the order dated 10.7.2002 has not been served upon him and further states that no grounds have been assigned as to why the case of the applicant has been rejected.

6. I have carefully considered the rival contentions of both the parties. As the applicant was aggrieved of removal of her name from the waiting list for compassionate appointment, subsequent consideration of her case for compassionate

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appointment has rendered this OA infructuous. However, this will not preclude the applicant to assail the order dated 10.7.2002 in an appropriate proceedings, in accordance with law.

7. In this view of the matter, the OA is dismissed as having become infructuous with liberty to the applicant to take up her grievance in accordance with law, in the appropriate proceedings. No costs.

S. Raju  
(Shanker Raju)  
Member(J)

/rao/