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Central Administrative Tribunal, Principal Bench

Original Application No. 3350 of 2002

New Delhi, this the 13th day of January, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. V. Srikantan, Member (A)

Dilip Singh
S/o late Shri Kalyan Singh,
R/o No. 836, Gulabi Bagh,
Delhi-7

....Applicant

(By Advocate: Shri A.K. Bhat)

Versus

1. Govt. of National Capital
Territory of Delhi, through
Chief Secretary,
5, Sham Nath Marg,
Delhi

2. Secretary to the Govt.
of N.C.T. of Delhi,
Department of Services-II
Delhi Secretariat,
A-Wing, 5th Level,
I.P. Estate, New Delhi

3. Estate Officer
Land & Building Department,
Govt. of N.C.T. of Delhi,
Vikas Bhawan, I.T.O.
New Delhi.

4. Additional Director General-
Cum-Inspector General (Prisons)
Prisons Headquarters,
Near Lajwanti Garden Chowk,
Janakpuri, New Delhi

....Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

By virtue of the present application, the applicant Shri Dilip Singh seeks a direction to the respondents to appoint him on compassionate grounds with retrospective effect.

2. Some of the relevant facts are that the father of the applicant had died in harness in the year 1997. The

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applicant had applied for him to be appointed on compassionate grounds and contends that he had been selected/empanelled by the Screening Committee in October, 2000.

3. Though there is a reference to the effect that the panel had been cancelled but Annexure A-8 dated 7.10.2001 indicates that the name of the applicant was on the panel but he could not be recommended due to shortage of vacancies referred to. The said letter reads:

"The Govt. of N.C.T. of Delhi conveys its condolences to the bereaved family of Lt. Shri Kalyan Singh.

Following the decision of the Supreme Court, and instructions of GOI as contained in the DOPT O.M. No.14014/6/94-Estt.(D) dated 9.10.1998 the quota for compassionate appointment has been restricted to 5% of vacancies under the direct recruitment quota.

The number of candidates applying for compassionate appointment is much higher than the number of vacancies available for compassionate appointment.

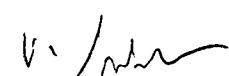
The Screening Committee carefully considered your request for appointment on compassionate grounds in its meeting held on 12.7.2002. The Committee fully sympathized with the conditions of your family, but could not recommend your case for appointment on compassionate grounds due to a shortage of vacancies, as mentioned above."

4. Learned counsel for the applicant complains that there were certain persons who had been empanelled and their names were enlisted after the applicant and they have since been appointed on compassionate grounds. They could

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not score a march over the applicant.

5. Taking stock of these facts, it is directed that the applicant who has not mentioned these facts in a representation, may represent to the respondents giving the names of those persons who may have been empanelled after the applicant and the said representation shall be considered and decided by the Secretary to the Government (Ref No 2) of N.C.T. Delhi, Delhi Secretariat, I.P.Estate, New Delhi, preferably within four months of the receipt of the same. A speaking order in this regard should be passed. With these directions, the O.A. is disposed of.



(V. Srikantan)
Member(A)



(V.S. Aggarwal)
Chairman

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