

C.V. (9)
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. NO. 1880/2001

NEW DELHI THIS 1ST DAY OF APRIL 2002

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

1. Shri Anil Kumar Yadav
S/o Late Shri Raja Ram,
Military Farms, Staff Quarters,
Mawana Road,
Meerut Cantt.
2. Smt. Kamla Devi,
Military Farms
Mawana Road,
Meerut Cantt.

.....Applicant

(By Shri S.K. Gupta, Advocate)

VERSUS

1. Union of India through
Secretary Min. of Defence, South Block
New Delhi
2. D.D.G.M.F.
QMG Branch, Army HQs
R K Puram,
New Delhi
3. Officer Incharge,
Military Farm,
Mawana Road, Meerut.

.....Respondents

(By Smt. P K Gupta, Advocate)

O.R.D.E.R. (ORAL)

Heard Sh. S K Gupta, learned counsel for the applicant and Smt. P K Gupta, learned counsel for the respondents.

2. In this OA the challenge of the applicant is against the denial of the respondents in granting him compassionate appointment on the ground of shortage of vacancies. This, according to Sh. S K Gupta is irregular as in DoPT's OM dated 28.12.99, provision existed for clubbing vacancies for considering

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compassionate appointment. Smt. P K Gupta learned counsel for the respondents states that as the vacancies of 5% have been exhausted the appointment could not be considered and the decision was correct.

3. I have considered the matter, respondents plea that once 5% vacancies have exhausted, no compassionate appointment is possible is legitimate, but DoPT's OM No. 14014/24/99-Estt (1) dated 28.12.99, provides for clubbing up of vacancies of less than 20 in a recruitment year, the respondents will have to consider the same.
4. OA in the above circumstances, is disposed of with the direction to consider the case of the applicants for compassionate appointment, keeping in mind, DoPT's instructions mentioned supra and take a decision and communicate the same to the applicant within two months from the date of receipt of a copy of this order. No cost.

(Govindan S. Tampi)
Member (A)

Patwal/