

C. IV  
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 HQrs  
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/