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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 2875/2001

This the 4th day of June, 2002

HON'BLE SH. SHANKER RAJU, MEMBER (J)

Smt. Angoori Devi  
W/o Late Shri Balbir Singh Rana,  
R/o 672/33 Vishkarma Nagar,  
Kathmandi (Haryana).  
(By Advocate: Sh. Harvir Singh)

Versus

Union of India through,

1. The Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi-110001.
2. The Chief Security Officer,  
Secretariat Security Force,  
North Block, New Delhi-110001.  
(By Advocate: Sh. M.M. Sudan)

ORDER (ORAL)

By Sh. Shanker Raju, Member (J)

The claim of the applicant is directed against the inaction of the respondents by not offering her compassionate appointment. Applicant approached this Court earlier in OA-1081/99 and by an order dated 9.2.2000 directions have been issued to consider the applicant for suitable appointment on compassionate grounds. Thereafter his case was rejected by an order dated 24.4.2000, by stating that there is no vacancy in the compassionate appointment quota, in the grade of daily wages.

2. Sh. Harvir Singh appearing for the applicant stated that the respondents have considered the juniors of the applicant, whereas in the meeting held on 22.7.2000, applicant's case has not been put before the Committee for consideration and also stated that the juniors are continuing in Group 'D' posts.

This, according to the learned counsel, is discriminatory and is not in conformity with the DOPT Scheme for compassionate appointment.

3. On the other hand, Sh. Sudan, learned counsel appearing for the respondents stated that the case of the applicant was duly considered and as she was not fit to be appointed as LDC, because she is not possessing even a qualification of 8th pass and is qualified up to 4th standard, applicant is not eligible for consideration, even after relaxation. As regards the post of Constable is concerned, there is a policy not to recruit women as a Constable. Regarding the daily wagers are concerned, it is stated that now due to ban by the Government they have discontinued recruiting daily wager and subsequently justified that there is no post available in the quota for compassionate appointment. However, it is stated that as no vacancy is available in Group 'D' post, the case of the applicant could not be considered for being offered compassionate appointment.

4. After carefully considering the rival contentions of the parties in the present case, the OA is disposed of in view of undisputed fact that the applicant's compassionate appointment has not been acceded to because of non-availability of vacancy in Group 'D' post. I direct the respondents to consider the applicant for compassionate appointment in any Group 'D' post, on availability of the same, by giving her preference. OA is disposed of accordingly. No costs.

S. Raju

( SHANKER RAJU )  
Member (J)

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