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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.777 of 2001

New Delhi, this the 29th day of the October, 2001

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

Arun Pal Singh, S/o Late Sri Samru Singh,
R/o A-16/2, Chandra Vihar, I.P. Extn.,
Delhi-92.

... Applicant

(By Advocate: Shri Shesh Datt Sharma)

V E R S U S

1. Union of India, through,
Secretary, Ministry of Defence,
New Delhi.
2. Controller General of Defence Accounts,
West Block-V, R.K. Puram, New Delhi.
3. Controller of Defence Accounts (Army),
Meerut Cantt.

... Respondents

(By Advocate: Shri M.K. Bhardwaj proxy
counsel for Shri A.K. Bhardwaj)

ORDER (ORAL)

Heard Shri S.D. Sharma, learned counsel for the applicant and Shri M.K. Bhardwaj, learned counsel for the respondents.

2. In the present case, the claim of the applicant is for compassionate appointment and the same has been rejected by the respondents on 7.2.2001. Learned counsel for the applicant contended that as the applicant was found fit and fulfilling the requisite qualification as laid down by the Govt. of India not granting him compassionate appointment is arbitrary and also by resorting to certain documents which show that direct recruitment for the posts of Peon has been undertaken by the respondents, it is contended that he may be considered against that quota.

3. On the other hand, strongly rebutting the contention of the learned counsel for the applicant, Shri M.K. Bhardwaj, proxy counsel for the respondents states that the applicant applied for Group 'D' posts and as there was no vacancy in compassionate appointment recruitment quota (which is 5% of the vacancies under direct recruitment), the request of the applicant was not acceded to. The respondents place reliance on a decision of the Apex Court in the case of Himachal Road Transport Corporation Vs. Dinesh Kumar, JT 1996 (5) SC 319 and also in the case of Hindustan Aeronautics Limited Vs. Smt. A.Radhika Thirumatai, JT 1996 (9) SC 197, to contend that the appointment on compassionate grounds can be only if vacancy is available for the purpose.

4. Having regard to the rival contention of the parties, I feel that the ends of justice would be met to direct the respondents to consider the claim of the applicant for grant of compassionate appointment, having regard that he has already been found fit and eligible as per the criteria laid down by the DOP&T in their scheme for grant of compassionate appointment against the available vacancy to be filled under the direct recruitment meant for compassionate appointment against 5% quota in accordance with merits. I direct accordingly. No costs.

S. Ram
(Shanker Raju)
MEMBER (J)

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