

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

R.A. No. 109/2001
IN OA No. 188/2000. OA 188/2001

New Delhi, this 18th day of May 2001.

Hon'ble Shri Govindan S. Tampi, Member (A)

Smt. Sunita Devi
W/o late Sh. Suresh Kumar,
R/o C-105, Netaji Nagar,
New Delhi
Union of India

.....Applicant

(By Shri T.D. Yadav, Advocate)

Versus

1. Union of India,
Through Secretary, ION)
Ministry of Urban Development
New Delhi.
2. Director (Horticulture)
CPWD, Indraprastha Bhavan,
New Delhi
3. Superintending Engineer,
Coordination Circle (Civil)
CPWD New Delhi
4. Estate Officer,
Directorate of Estate,
Nirman Bhavan,
New Delhi

.....Respondents.
(By Shri D.S. Jagota and Shri A K Bhardwaj,
Advocates)

O R D E R (O R A L)

By Shri Govindan S. Tampi, Member (A)

Heard Shri T D Yadav, learned counsel for Review
Applicant and Shri D S Jagora and Shri A.K. Bhardwaj,
learned counsel for the ondents.

2. By this application, the applicant seeks to recall
and review the order passed by me on 5.1.2001 while disposing
of the OA No . 188/2000. Shri Yadav states that by certain
mistakes which occurred in the Registry and also on account of

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the wrong fixation of date of hearing in the applicant's case was not properly represented and the orders were passed ex-parte. He reiterates the points already made. He also placed reliance on a communication dated 13.2.2001 according to which the applicant's position in the wait list prepared by the Respondents have gone still further down. He impugns and assails the same and seeks that same may be set aside. He also seeks place reliance on the case of Umesh Nagpal Vs UOI [JT 1994(3) SC 525] and OA No. 1962/1997 in the case of Leelawati & Anr. Vs UOI and Other. Both Sh. Jagotra and A.K. Bhardwaj plead that there was no case whatsoever for any review and that the application was correctly rejected as being devoid of any merits.

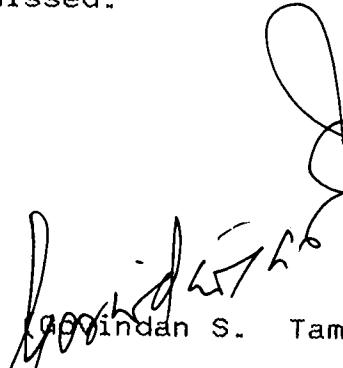
3. The decision in this OA, was given by me in open court after the case was called twice and considering the facts as brought on record. There was adequate notice for the applicant to appear but he chose not to do.

4. This is a case where the applicant seeks compassionate posting. It has been brought on record that the case of the applicant who is a dependent of a deceased employee, has been placed on wait list and the respondents are agreeable to consider her case when the turn comes. Nothing further remained to be done in this case. Compassionate posting is not matter of right but is one of concession keeping in mind the Government anxiety to help the dependents of deceased employee who are placed in indigent circumstance, by the demise of their bread winner. At the same time this is subject to constraints on the administration, including vacancies available. As per instructions in force only 5% of the direct recruitment posts

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in Group "C" and "D" arising in a year can be filled on compassionate grounds. Heads of Departments cannot exceed the quota so fixed in any manner. Therefore, the respondents could have only placed the name of the applicant in the wait list and the same they have done. The original application has therefore been correctly dismissed. No fresh fact has been brought on record by the learned counsel for the Review Applicant to show any error on the face of record, warranting recall or review. Shri Yadav has produced a communication dated 13.2.2001 which has been issued, much later than my order disposing the case that cannot be taken into consideration for entertaining the R.A.

5. The Review application having no merit, therefore fails and is accordingly dismissed.


Jagdishbhai
(Jagdishbhai J. Tampi)
Member (A)

Patwal/