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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.766/2000

New Delhi, this the 6th day of the July, 2001

HON'BLE MR. M.P.SINGH, MEMBER (A)

1. Smt. Jal Dai,
widow of Late Mahendra Singh,
(demised Security Guard of All India Radio,
Agra),
Permanent Address:
Village Ram Nagar, Post : Kola,
District: AGRA (UP)
2. Shiv Ram Singh,
S/o Late Mahindra Singh,
Permanent Address:
Village Ram Nagar, Post : Kola,
District: AGRA (UP)

... Applicants

(By Advocate: Shri D.N. Sharma)

V E R S U S

1. Union of India,
(Through : The Secretary to the Govt. of India),
Ministry of Information & Broadcasting,
Prasar Bharti Board, Shastri Bhawan,
New Delhi-110001.
2. The Director General,
All India Radio/Prasar Bharti,
Akashvani Bhawan, Parliament Street,
New Delhi.
3. The Station Director,
All India Radio/Prasar Bharti,
Vidhan Sabha Marg, Lucknow (U.P.).
4. The Station Director,
All India Radio/ Prasar Bharti,
AGRA (U.P.).

... Respondents

(By Advocate: Shri N.K. Aggarwal)

O R D E R (ORAL)

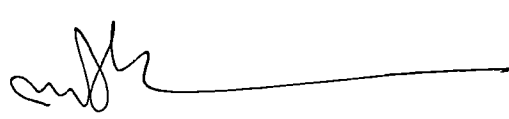
The applicants has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking directions to the respondents to consider the applicant No.2 for appointment on compassionate grounds to the post of Lower Division Clerk in accordance with the revised Govt. instructions dated 9.10.1998.



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2. Brief facts of the case are that the applicants are widow and son respectively of late Mahindra Singh, who died on 21.9.1999 while working as Security Guard in All India Radio, hereinafter called 'AIR'. The applicant No.1 submitted application to Respondent No.4 i.e., the Station Director, AIR, Agra, seeking compassionate appointment of son (Applicant No.2) of the deceased. The applicant No.2 has not been given an appointment by the respondents. Aggrieved by this, the applicants have filed this OA seeking the aforesaid relief.

3. Respondents in their reply have stated that the appointment on compassionate ground cannot be claimed as a matter of right. According to them, the appointment on compassionate ground depends on various factors viz. (i) financial position of the family of the deceased Govt. servant, (ii) fulfilling the eligibility conditions prescribed for the post and (iii) availability of a vacancy in the prescribed 5% quota in Group 'C' or Group 'D' post against which such appointment is sought. Further, keeping in view the instructions contained in letter dated 3.12.1999, the appointment on compassionate grounds may be recommended only in really deserving cases provided that there is a vacancy available within the 5% DR quota. They have also stated that the applicant No.2 was considered sympathetically within the prescribed quota in the Grade of LDC. But because of the non-availability of the vacancy, it is not possible to appoint the applicant No.2 immediately.



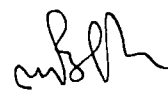
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4. Heard both the ^{counsel of 2} rival contesting parties and perused the records.

5. During the course of the argument, the learned counsel for the respondents produced a copy of the letter dated 18.8.2000 (copy placed on record). As per this letter, the request of the applicant No.2 for appointment on compassionate ground has been considered sympathetically by the respondents and the name of the applicant No.2 has been placed at Sl. No.10 in the waiting list for appointment to the post of LDC on compassionate grounds as per the recruitment rules in respect of the vacancies under 5% quota on zonal basis. They have also stated that applicant No.2's appointment to the post of LDC cannot be considered out of turn and no over-riding benefit for such an appointment can be extended to him in any circumstances. Thus, the applicant No.2 has already been considered and his name has been placed in the waiting list for appointment in the Grade of LDC on compassionate grounds. He will be appointed to that post as and when his turn arises.

6. By assurance of aforesaid order dated 18.8.2000, the OA does not survive and it has become infructuous. According, the OA is dismissed as infructuous. No costs.


(M.P.SINGH)
MEMBER (A)

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