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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.2100 of 2004

New Delhi, this the 5th day of August, 2005

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Smt. Rukmini Devi,
W/o Late Shri Mahandra Pal Singh,
Ex. Asstt. Binder, Govt. of India Press,
ALIGARH (U.P.).

RESIDENT OF :

Village – Jatanpur Chirkawati,
P.O. Jiroli Dour, Distt. ALIGARH (U.P.).

2. Shri Chandra Pal Singh,
S/o Late Shri Mahindra Pal Singh,
Ex. Asstt. Binder, Govt. of India Press,
ALIGARH (U.P.).

RESIDENT OF :

Village – Jatanpur Chirkawati,
P.O. Jiroli Dour, Distt. ALIGARH (U.P.).

.....Applicants.

(None present)

VERSUS

1. Union of India,
(Through : The Director of Printing,
Govt. of India Press,
'B' Wing, Nirman Bhawan,
New Delhi.

2. The Manager,
Government of India Press,
ALIGARH (U.P.).

.....Respondents.

(By Advocate : Shri J.B. Mudgil)

ORDER (ORAL)

None present for the applicants. I proceed to hear the matter in
terms of the provisions of Rule 15 of the CAT (Procedure) Rules, 1987.

Accordingly, heard Shri J.B. Mudgil, learned counsel for the respondents.

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2. MA 1341/2004 for joining together in a single petition is allowed.
3. By an order dated 23.4.2004 request of the applicants had been considered for compassionate appointment in the light of the DOP&T's OM dated 9.10.1998 and was turned down on the ground that merit position of the applicant No.2 for compassionate appointment is at serial No.131 A and there would be no occasion for its maturity within three years.
4. The decision in OA No.2359/2004 in the case of **Abdul Basit Vs. Union of India and others** decided on 5.8.2005 wherein a decision of the Hon'ble Delhi High Court in the case of **Jagwati Devi vs. Union of India & Ors.**, 2003 II AD(Delhi) 189 has been relied upon to hold that when the claim for compassionate appointment is made only those instructions, which are in vogue, are to be applied and subsequent instructions, which restrict the right to 5% quota meant for appointment on compassionate ground, cannot be applied retrospectively.
5. Since the father of the applicant No.2 died in the year 1998, the respondents asked applicant No.2 to appear in interview in 1999 and thereafter the respondents have sat over the application of the applicants and processed it only in 2003 by seeking certain particulars of educational qualifications. As such, it is the respondents, who had delayed the consideration of applicant No.2 for compassionate appointment.
6. DOP&T's OM issued in 1999, which has a ceiling of 5% of direct recruitment quota to be considered for compassionate appointment, would not be applicable to cases where a right has been accrued before 1999. As applicant No.1, widow of deceased Govt. employee, has duly made her application for grant of compassionate appointment for her son

i.e. Applicant no.2, in 1998, this restriction of ceiling of 5% of direct recruitment quota would not be applicable in the present case.

7. I also find from the emoluments accorded to the applicants, which is a valid consideration for compassionate appointment as held by the Apex Court in **Punjab National Bank vs. A.K. Taneja**, 2005(1) ATJ SC 579, having regard to grant of sum of Rs.1,03,801/-, family pension of Rs.1938/- and five dependents of the deceased Govt. employee exist, the family is in indigent circumstances. As such, I am of the considered view that the family is very much eligible for consideration for compassionate appointment.

8. In this view of the matter, OA is partly allowed and impugned order date 23.4.2004 is quashed. Respondents are directed to re-consider the claim of the applicants for grant of compassionate appointment to applicant no.2 within a period of two months from the date of receipt of a certified copy of the present order. No costs.

S. Raju
(SHANKER RAJU)
MEMBER (J)

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