

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2193/2004

New Delhi, this the 30th day of March, 2005

Hon'ble Mr. Shanker Raju, Member (J)

Smt. Alka Awai
W/o Late Sh. Ravinder Kumar
R/o Plot No.44, Pocket No.II,
Block-B, Sector-18, Rohini.

...Applicant.

(By Advocate Shri M.K. Bhardwaj)

Versus

Union of India and Others through

1. Secretary
Ministry of Defence,
South Block,
New Delhi.
2. Engineer-in-Chief
E-in-C's Branch,
Army Hqrs. DHQ
New Delhi.
3. Chief Engineer, MES
Western Command
Engineers Branch
Chandi Marndir
4. Chief Engineer, (AF)
WAC Palam,
Delhi Cantt.
New Delhi.

...Respondents.

(None for respondents)

O R D E R (ORAL)

Mr. Shanker Raju, Member (J) :

Heard Shri M.K. Bhardwaj, counsel for the applicant. None appears for the respondents. Even on last occasion, none had appeared. As none appeared for the respondents despite sufficient opportunity, OA is disposed of under Rule 16 of Central Administrative Tribunal (Procedure) Rules, 1987.

2. Against the claim of the applicant for compassionate appointment, respondents by an order dated 16.12.1999 had acknowledged that the name of

the applicant stands at serial no.5 of the LDC's seniority list maintained by this HQ for the purpose of compassionate appointment. By another order dated 30.10.2003, it has been informed that proposal for compassionate appointment of the applicant which was approved by MOD/E-IN-C's Branch, could not be implemented for certain administrative reasons. The reasons have not been recorded in the order. Learned counsel for the applicant states that the respondents are estopped from taking a contrary view as once they have decided to appoint the applicant after meticulously going through the eligibility criteria and guidelines on the subject, their stand of denial of compassionate appointment on administrative grounds when no reasons have come forth, is not justifiable and the same is liable to be rejected.

3. From the reply of the respondents, it transpires that the applicant who stood at serial no.5 in the waiting list, no vacancy was released from 1999 and due to non-availability of vacancies the applicant's claim has been rejected. I find from OM dated 5.5.2003 that in indigent cases review allows consideration of compassionate appointment for another year. It is not disputed that the applicant is in indigent condition otherwise her claim could not have been recommended. In view of the above as the order passed by MOD on 5.12.2003 appears to be a mechanical and stereo-typed order where no specific administrative grounds have been mentioned. Having regard to the above and also the facts, the compassionate appointment cannot be claimed as a right and delayed appointment frustrates the very object of the compassionate appointment. However, having regard to the respondents' decision on 30.10.2003, this OA is partly allowed. Impugned order is set aside. Respondents are directed to reconsider the case of the applicant for compassionate appointment within a period of two months from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member (J)

/gkk/