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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2224/2004

New Delhi, this the 7th day of July, 2005

Hon'ble Shri Shanker Raju, Judicial Member

Phoolwati Kumari
(Legal Heir & D/o Shri Sampat, Sr. Mali)
S/o Late Shri Videshi, employed
with Service No.415902 ,
Mahavir Vanasthali, CPWD,
Horticulture Div. No. I
R/o Sector-5/1615, R.K. Puram
New Delhi.

...Applicant

(By Advocate Shri M.K. Bhardwaj)

V E R S U S

Union of India through

1. The Secretary
Ministry of Urban Development
Nirman Bhawan, New Delhi.
2. The Director General
Central Public Works Department
(CPWD), Nirman Bhawan
New Delhi.
3. The Deputy Director (Horticulture Div. No. I)
CPWD, New Delhi.

...Respondents

(By Advocate Shri Ashish Nishchal
proxy for Shri Rajinder Nishchal)

ORDER (ORAL)

After hearing the learned counsel, this OA stands disposed of in the wake of the fact that in OA 2416/2003 decided on 18.5.2004, respondents have passed an order dated 27.7.2004 which reflects that request for compassionate appointment has been rejected on the ground that the family of the deceased is in receipt of family pension and retiral benefits. It is a trite law that compassionate appointment is not by way of succession and one has no right for appointment on compassionate grounds. The only scope is for consideration in accordance with law.

2. The aforesaid order does not show the proper reasoning, though in the reply, it is stated that there are more deserving cases and 120 cases are already in queue. The fact remains that grounds in

the reply cannot supplement the order or improve the order passed by the respondents.

3. In view of the above, OA is partly allowed. Impugned order dated 27.7.2004 is quashed. Respondents are directed to pass a fresh order dealing with all the facts of the matter of compassionate appointment within a period of two months from the date of receipt of a copy of this order. Till then, applicant shall not be evicted from the Government accommodation. However, she will be subject to the payment as per rule.

S. Rajm
(Shanker Raju)
Member (J)

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