

AS

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-2359/2004

New Delhi this the 11th day of November, 2008.

Hon'ble Mr. N.D. Dayal, Member(A)

Sh. Abdul Basit,
S/o late Sh. Aizaz Hussain,
Ex-Postman under Buland Shahr Division,
R/o Village & Post Office Ahar Distt. Buland Shahr,
C/o Sh. Sant Lal, Advocate,
CAT Bar Room,
New Delhi-1. Applicant

(through Sh. Sant Lal, Advocate)

Versus

1. The Union of India through
the Secretary,
M.O. Communications, Dept. of Posts,
Dak Bhawan, New Delhi-1.
2. The Chief Postmaster General,
U.P. Circle, Lucknow-226001.
3. The Postmaster General,
Agra Region,
Agra-282001. Respondents

(through Sh. A.K. Bhardwaj with Ms. Priyanka Bhardwaj, Advocate)

Order (Oral)

It has been submitted at the Bar that the case for appointment on compassionate grounds of the applicant had been earlier decided in OA-2359/2004 on 05.08.2005 by allowing the same and directing the respondents to consider the applicant's case under the old guidelines without insisting on the ceiling of 5% of vacancies of direct recruitment quota for the purpose. When this

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matter was carried to the Hon'ble High Court of Delhi in Writ Petition (C) No. 22578-80/2005, the Court has ordered that the O.M. dated 26.09.1995 which puts a ceiling of 5% had escaped the notice of the Tribunal and as such the matter was remanded back to reconsider on merits in the light of the same.

2. It has been submitted on behalf of respondents that according to this O.M. the cases for appointment on compassionate grounds are required to be considered within 5% of the vacancies of direct recruitment and as such it would not be possible to consider the applicant's case without such limit. Learned counsel for the applicant submits that while it may be so, there is a Government order dated 30.06.2006 which lays down the manner in which 5% vacancies are to be calculated and submits that the same should be kept in view by the respondents. A copy of these instructions has been handed over to the learned counsel for respondents in Court.

3. It is therefore directed that the case of the applicant for appointment on compassionate grounds be considered by the respondents keeping in view the limit of 5% of vacancies along with the above instructions of 2006 and decision taken be informed by a speaking order within a period of three months. The O.A. is disposed of. No costs.


(N.D. Dayal)
Member(A)

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