

21

**Central Administrative Tribunal  
Principal Bench**

**OA No. 2521/2004**

New Delhi, this the 10<sup>th</sup> day of November, 2005

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

Smt. Bimla  
W/o late Shri Nagraj,  
R/o F-1721, J.J. Colony Tigri,  
Khanpur,  
New Delhi. ...Applicant

(By Advocate: Ms. Reena Kumar)

***-versus-***

1. Central Public Works Department  
Directorate General of Works,  
Government of India,  
Nirman Bhawan,  
New Delhi.
2. Chief Engineer, P.W.D.  
Public Works Department  
Through Chief Engineer,  
P.W.D. Zone-IV (Govt. of NCT of Delhi)  
MSO Building,  
New Delhi.
3. Executive Engineer,  
Public Works Department,  
Division NO-XX (Govt. of NCT of Delhi)  
Okhla Industrial Area,  
Shahbano Dayal Bagh,  
New Delhi – 110 020. ...Respondents

(By Advocate: Mrs. Renu Goerge)

**O R D E R (ORAL)**

Heard the learned counsel for both the parties.

2. By virtue of the present Original Application, applicant impugns respondents' order dated 30.01.2004 whereby her

request for compassionate appointment has been rejected.

The husband of the applicant died in an accident on 24.06.2001 as is evident from the information received after about nine months from Shahdara Railway Police Chowki on a complaint of applicant lodged with them about missing of her husband. DoP&T OM dated 22.6.2001, which inter alia provides impediment of vacancies under 5% direct recruitment quota for compassionate appointment would be applicable to those cases where the death of deceased employee had occurred after 02.06.2001. Applicant's case was turned down for want of vacancies.

3. DoP&T OM dated 05.05.2003, which not only clarify DoP&T OM issued in 1999 but in 2001 as well by taking a decision that in the event the vacancies are not available the matter for consideration for compassionate appointment in deserving cases would be carried in review to another year and thereafter it could have to be closed.

4. It transpires from the pleadings that the applicant has not even whispered about this provision. However, justice cannot be denied for ignorance of law particularly when the Tribunal is aware of such a provision. In such an event, substantial justice and rule of law shall have to prevail.

5. In the event applicant prefers a representation to the respondents in consonance with DoP&T OM dated 05.05.2003, her request for compassionate appointment would be considered by a reasoned and detailed order to be

passed by the respondents within a period of two months from the date of receipt of the certified copy of this order. No costs.

*S. Raju*  
**(Shanker Raju)**  
**Member (J)**

/na/