

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

RA-237/2005
MA-2220/2005
OA-3034/2004

New Delhi this the 6th day of January, 2006.

Hon'ble Shri Shanker Raju, Member(J)

Union of India through

1. The Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The Chief of the Air Staff,
Air Headquarters (PC-15),
Vayu Bhawan, New Delhi.
3. Air Officer-in-Charge, (Pers)
Air Hq. Directorate of Personnel
(Civil), Vayu Bhawan,
New Delhi.

.... Review Applicants

(through Ms. Satya Siddiqui, Advocate)

Versus

Muni Devi,
Widow of late Sh. Mewa Lal,
R/o H.No. 13, Dhobi Ghat,
Race Course Camp,
New Delhi.

.... Respondent

(through Sh. M.K. Gaur, Advocate)

Order (Oral)

Heard.

2. By an order of this Tribunal dated 9.8.2005, respondents were directed to reconsider the claim of the applicant for compassionate appointment.
3. Respondents have filed review application by making an observation as to instructions issued in 1999, which were not applicable.

Instructions of 1993 and 1998, which did not envisage filling up of vacancies upto the ceiling of 5% quota, were to be considered for reconsidering the applicant for compassionate appointment.

3. Learned counsel states that instructions issued by the DoP&T on 27.6.1995 envisage ceiling of 5% quota for direct recruitment for compassionate appointment. Moreover, it is stated that in the matter of discrimination, the other cases left in which none of the family members was earning whereas attaching a certificate of employment, it is contended that elder son of the applicant is getting salary of Rs. 3294/- being employed in Family Planning Association of India.

4. In the above backdrop, it is stated that there is an error both on facts and law to warrant interference by way of review.

5. On the other hand, learned counsel of respondent states that the main impediment is the employed son, who does not support the family and also states that 5% quota cannot be an impediment in the light of DoP&T Scheme dated 5.5.2003 when the family is indigent.

6. On careful consideration of the rival contentions of the parties, I am of the considered view that though inadvertently the instructions of 1995 ibid were not taken into consideration, however, the fact of pending claim cannot be an impediment in the light of DoP&T instructions issued in 1998 laying down Scheme for compassionate appointment in which in Para-10 provides in a deserving case, consideration of compassionate appointment even if one of the family members is working. However, permission of the department or Ministry concerned has to be sought.

Accordingly, R.A. is partly allowed. The order passed by the Tribunal on 9.8.2005 is recalled. On hearing the parties on OA, O.A. stands disposed of with a direction to the respondents to reconsider the claim of the applicant in the light of Clause-10 of the DoP&T Scheme of 1998 and in the matter of ceiling in the direct recruitment quota for compassionate appointment, DoP&T Scheme dated 5.5.2003 shall be applicable in a deserving case. The same shall be done 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)

/vvl/