

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

4

Regn.No. OA 913/1992

Date of decision: 27.08.1993

Shri Vinod Kumar

...Petitioner

Versus

The Director of Printing,
Min. of Urban Development & Anr.

..Respondents

For the Petitioner

..Shri D.R. Gupta, Counsel

For the Respondents

...None

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER (A)

JUDGEMENT(ORAL)

(By Hon'ble Mr. Justice S.K.
Dhaon, Vice Chairman)

The father of the petitioner was employed as a Binder in the Government of India Press, Mayapuri, New Delhi. He died in harness on 15.02.1990. The petitioner who has studied upto 7th class and is eligible for appointment against any suitable post in Group 'D' category made an application for being given an appointment on compassionate grounds. The said application was disposed of. By communication dated 29.07.1991 of the Assistant Manager (Administration), the petitioner was informed that his case was forwarded to Headquarter Office and they have informed that at present there is no vacancy in the category of labourer against which he can be employed on compassionate grounds and as and when a vacancy occurs, his case will

84



be considered in accordance with his turn.

2. A reading of the communication aforementioned indicates that the respondents have not negated the claim of the petitioner for appointment on compassionate grounds. It is implicit in the communication that vacancies have been earmarked categorywise and there is a category relating to compassionate appointments. The petitioner's case is pending consideration. We have no doubt that the respondents shall ~~now~~ act fairly, if and when occasion arises for giving an appointment to the petitioner. We direct them to act strictly in accordance with the list presumably prepared by them for creating the category of persons to be given compassionate appointments. We presume that the respondents are aware of the ^{direction} ~~declaration~~ of law given by the Supreme Court in Sushma Gosain's case. ^{that} if necessary, a post may be created for giving compassionate appointment.

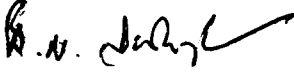
3. During the pendency of this O.A., this Tribunal by an interim order stayed the ^{of the petitioner} eviction from the accommodation under the occupation of his (petitioner's) father. This O.A. was presented before this Tribunal on 30.03.92. Keeping in view the directions given by this Tribunal in the case of **Samir Kanti Mitra & Another Vs. Director of Printing & Others, 1993(2) SLJ(CAT) page 84**, we direct that the petitioner shall not be evicted from the said accommodation for a period of 2 years from 30.03.1992, if

Sy

.3.

during the said period the petitioner is not given an appointment on compassionate grounds.

4. With these directions, this application is disposed of finally but without any order as to costs.


(B.N. DHOUNDIYAL)
MEMBER (A)
27.08.1993


(S.K. DHAON)
VICE CHAIRMAN
27.08.1993

RKS
270893