

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

(6)

O.A. No. 771/1993

Date of decision 15.7.93

Mrs Durga Rani ... Applicant

v/s

U.O.I. & Ors. ... Respondents

For the Applicant ... Mrs Pankaj Bala Verma,  
counsel

For the Respondents ... Sh.T.K. Sinha, counsel

COURT

Hon'ble Member Sh.B.S.Hegde, Member(J)

( ORAL/JUDGEMENT )

Delivered by Sh.B.S.Hegde, Member(J)

Heard both the counsel. The main contention of the respondents is that the applicant's application cannot be processed in the event of keeping applicant son's application which is pending for consideration for employment. It is not possible for the respondents to process the application for compassionate appointment.

During the course of hearing, the learned counsel for the applicant is not able to show any correspondence that the respondent have rejected the application of the applicant's son for appointment against a class-III post. The appointment is held up on account of non availability of a vacancy at present and they have stated they would consider

this application for appointment as Class-III post as and when a vacancy will occur. In the circumstances, it is clear that is is not possible for the respondent to consider both the applications for compassionate employment.

Learned counsel for the applicant concedes during the course of hearing that since applicant son's application is being considered for the post of class-III she is inclined to withdraw this O.A and she also submits that as per the assurance given by the respondents that they would consider her son's application without any further loss of time for appointment to the post of Class-III. On that conditions, applicant seeks permission to withdraw this O.A. Permission is granted. Accordingly, OA is disposed of as withdrawn.

In the circumstances, respondents have also submitted that keeping in view of the Supreme Court decisions as well as OM's issued by the Department of Personnel & Training vide dated 28.8.91 and 25.1.93 respectively. The respondents should consider the application of her son for the post of class-III. Keeping the contention of the rival parties in view, I am of the opinion that the indigent circumstances of the family may take into consideration for consider the candidature of the applicant for the post of class-III

within two months from the date of receipt  
of this order, irrespective of the availability  
of a post, If necessary, a supernumerary post  
may be created for the appointment of the  
applicant to avoid injustice to the family of  
the deceased who is placed in a very indigent  
circumstances. Since the respondents have  
not rejected the request of the applicant so  
far regarding his appointment against a class-  
III post, they may consider his request in a  
a positive manner and appoint him against one  
of the class-III posts and communicate their  
decision in this regard to the applicant within  
one month. In case, the applicant is still  
aggrieved, he is at liberty to approach this  
Tribunal.

Accordingly, OA is disposed of with no  
order as to costs.

*B.S.Hegde*  
(B.S. HEGDE)  
MEMBER (J)