

Reserved-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 1077 of 2001.

this the 6th day of June 2002.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Smt. purnima Singh, w/o late Shashi Bhushan Singh, R/o
House no. 42 Meerpur Chawani, Kanpur.

Applicant.

By Advocate : Sri L.M. Singh for Sri B.N. Singh.

Versus.

1. Kendriya Vidyalaya Sangathan, through the Commissioner,
18, Institutional Area Shahid Jeet Singh Marg, New Delhi
2. Union of India through Secretary Ministry of Human
Resources, Govt. of India, New Delhi.

Respondents.

By Advocate : Sri N.P. Singh.

O R D E R

The applicant-Smt. purnima Singh, widow of late
!Shashi Bhushan Singh, has filed this O.A. for appointment
on compassionate grounds. The husband of the applicant had
died in harness on 10.10.98. The applicant submitted an
application in the prescribed form seeking appointment
on compassionate grounds on 19.11.98. When the applicant
did not receive any response, she filed O.A. No. 393/01
which was disposed of vide order dated 16.4.2001. By the
said order, the Tribunal observed as follows :

" ---incase the applicant makes a fresh representation
within 2 weeks enclosing therewith, the previous corres-
pondence in this regard, same be decided by the
respondents within 2 weeks thereafter and incase the
grievance of the applicant is not redressed and she is
not provided with any job on compassionate ground, a
detailed speaking and reasoned order be passed with a
copy to the applicant. The O.A. is disposed of accord-
ingly at admission stage. No costs."

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2. In pursuance of the aforesaid directions, the case of the applicant was re-examined by the respondents by the impugned order and rejected. Hence, the applicant has filed the present O.A. seeking directions to the respondents to appoint her against any class III post on compassionate grounds after quashing the impugned order dated 27.3.2001.

3. It appears from the pleadings and arguments advanced on behalf of the respondents that the case of the applicant was considered alongwith others for appointment on compassionate ground by a Committee constituted by the respondents for making appointment and recommended the deserving cases for such appointment. The Committee considered 36 cases for appointment on compassionate ground for Group 'C' (LDC) and after scrutinising the applications, only five candidates were recommended as LDC after taking into account the qualification. It is stated that other cases including the case of the applicant could not be considered because as per the Government's instructions such appointment can be made upto the maximum of 5% of the total vacancies falling under direct recruitment quota in Group 'C' and Group 'D' posts. The Government has also given an instructions to the effect that the ceiling limit of 5% of direct recruitment vacancies should not be exceeded under any circumstances.

4. It has been urged by the learned counsel for the applicant that since the applicant is qualified having passed Intermediate examination and appeared in B.A. final for appointment in Group 'C' post and her late husband having no movable or immovable property and no other source of income, the case of the applicant is fit for appointment on compassionate grounds. The applicant has also to support two minor daughters of the deceased and under such circumstances, the respondents have not properly considered the case of the applicant.

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5. ^{hore} I ~~am~~ considered the arguments of the parties counsel. It is clear that the respondents have shown their inability to appoint the applicant on compassionate grounds on two counts. Firstly, there were more deserving and qualified candidates and secondly because such appointment cannot be made in excess of 5% against direct recruitment quota. It is, however, not denied that the applicant is left without any source of income and has to support two minor daughters. I consider it appropriate a fit case to direct the respondents to re-consider the case of the applicant for appointment on compassionate grounds as and when the first vacancy arises under direct recruitment quota.

6. The O.A. stands disposed of as above without any order as to costs.

Ravi Waddan
MEMBER (J)

GIRISH/-