

**RESERVED**

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH**  
**ALLAHABAD**

Dated: This the 24<sup>th</sup> day of Nov 2005.

Original Application No. 86 of 2004.

**Hon'ble Mr. K.B.S. Rajan, Member (J)**

Km. Neelam, D/o late Ram Ujagir,  
R/o Vill Rejepur, Post Office Pura Bazar,  
Distt: Faizabad.  
Present Address: - Km Neelam,  
C/o Hari Shyam 'Neerala'  
529-C Shiv Katra Near Cesh House,  
Kanpur.

.....Applicant

By Adv: Sri R.N. Pandey & Sri S. Srivastava

V E R S U S

1. Union of India through Secretary,  
Ministry of Defence, South Block,  
New Delhi.
2. Directorate General of Ordinance Services,  
Master General of Ordinance Branch,  
Army Headquarters, DHQ PO,  
New Delhi.
3. Central Ordinance Department,  
Kanpur.

.....Respondents.

By Adv: Sri R.K. Tiwari.

**O R D E R**

This case has limited controversy. The rejection of the case of the applicant for compassionate appointment is on one of the grounds that there being limited number of vacancies meant for compassionate appointment (5% of the D.R. quota of Group C and D posts) the applicant could not be accommodated. The applicant submits that in accordance with the

*62*

provisions of Para 7 (e) and (f) of the DOPT O.M. dated 9-10-1998, the respondents are duty bound to ascertain availability of vacancies in other department, which they have not done. The said provisions read as under:-

"e. Employment under the scheme is not confined to the Ministry/Department/Office in which deceased/medically retired Government servant had been working. Such an appointment can be given anywhere under the Government of India depending upon availability of a suitable vacancy meant for the purpose of compassionate appointment.

f. If sufficient vacancies are not available in any particular office to accommodate the persons in the waiting list for compassionate appointment, it is open to the administrative Ministry/Department/Office to taken up the matter with other Ministries/Departments/Offices of the Government of India to provide at an early date appointment on compassionate grounds to those in the waiting list."

2. It is not exactly clear whether the above provisions have been extant even today. This has to be ascertained from the Department of Personnel.


3. Respondents may, therefore, take steps to approach the DOPT in this regard and keep the case of the Applicant as pending and depending upon the decision of the DOPT that such a provision as contained in para 7(e) and (f) subsists, further action be taken. If the DOPT informs that the said provision is no longer

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existing, as the case of the applicant had been rejected even on the basis of the criteria laid down to determine relative hardships, the case could then be considered as closed as the applicant would not be entitled to the compassionate appointment.

4. The OA is disposed of with no order as to cost.



Member (J)

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