

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.**

ORIGINAL APPLICATION NO.785 OF 2004.

ALLAHABAD THIS THE 18<sup>TH</sup> DAY OF SEPTEMBER 2007.

**Hon'ble Mr. K.S. Menon, Member-A**

1. Smt. Raj Kali W/o Late Sri Nokhe Lal R/o Village-  
Janwar, Post - Kathanli (Meja) District  
Allahabad.
2. Naresh Chandra S/o Late Sri Nokhelal R/o Village  
Janwar, Post Kathanli (Meja) District Allahabad.

...Applicant.

(By Advocate : Shri D.K. Pandey)

**Versus**

1. Union of India through Secretary, Ministry of  
Defence, Defence West -Block V R.K. Puram, New  
Delhi.
2. Principal Controller of Defence Accountant  
(Pensions) Allahabad.
3. Senior Account Officer (Administration)  
Allahabad.
4. Dy. Controller of Defence Accounts (Admin)  
Allahabad.

...Respondents.

(By Advocate : Shri S. Singh)

**ORDER**

**By Hon'ble Mr. K.S.Menon, A.M.**

This OA has been filed against the impugned order dated 26.6.2003 passed by CDA (Pension), Allahabad (Annexure-A-2). By this order, the applicant's claim seeking compassionate appointment in lieu of his Late father Nokhe Lal who died on 16/7/2000 was rejected by the respondents. The applicant's claim is that the



impugned order passed is arbitrary and illegal and seeks this Court to direct the respondents to appoint the applicant on compassionate ground. Learned counsel for the applicant has also drawn the attention of the Court to Annexure- CA-4 wherein a list of compassionate appointment candidates were considered by the Assigned Committee on 5.6.2003. It is seen from the statement that all the candidates considered by the Committee including the applicant who is Sl. No.15 were recommended for compassionate appointment, however due to non availability of 5% of Direct Recruitment Quota vacancies, these candidates could not be given the said compassionate appointment. It is further seen that the case of the applicant was considered alongwith other similar cases on three occasions i.e. 4.7.2002 , 8.1.2003 and finally on 5.6.2003 but the same was not recommended for appointment for want of vacancy.

2. The respondents have also cited certain case laws and ruling of the Hon'ble Supreme Court. Copy of the citation is Annexure-A-2. The respondents have indicated clearly that appointments can be made up to a maximum of 5% of vacancies falling under DR Quota in any Group 'C' or 'D' post on the recommendation of the Selection Committee. The said committee while taking into account the position regarding availability of vacancy for such

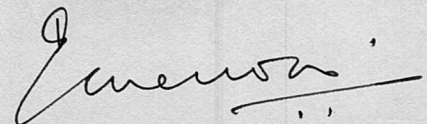




appointments, recommends cases only in really deserving cases and that too only if vacancy meant for compassionate appointment is available within a year and that too within the ceiling of 5% mentioned above.

3. In view of the above, this Tribunal cannot direct the respondents to give compassionate appointment but it can only direct the respondents to consider such cases in accordance with the stated Policy of DOPT and other Departmental Circulars and rules. It is seen that the respondents have considered the case in accordance with the policy, rules, orders of DOPT dated 9.10.1998 and Ministry of Defence (D Lab) dated 9.3.2001 and settled case laws and have passed reasoned and speaking orders dated 26.6.2006 (Annexure-2).

4. In view of the above, I find this OA is devoid of merits. OA is accordingly dismissed. No costs.

  
Member-A

RKM/