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BY CIRCULATION

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

REVIEW APPLICATION NO.43 OF 2006  
IN  
ORIGINAL APPLICATION NO.164 OF 2005  
ALLAHABAD THIS THE 17th DAY OF November 2006

HON'BLE DR. K.B.S. RAJAN, MEMBER-J

1. Director, Intelligence Bureau,  
M/o Home Affairs, I.B. Headquarters,  
Government of India, North Block,  
New Delhi.
2. Dy. Director, Subsidiary Intelligence Bureau,  
(SIB), M?O Home Affairs (MHA),  
Govenrment of India, Varanasi.
3. Assistant Director, Intelligence Bureau,  
M/O Home Affairs, Government of India,  
New Delhi.

. . . . . Applicants/Respondents

Versus

Sri Anil Kumar,  
Son of Late Suraj Prasad Prasad,  
M/O Home Affairs, Government of India,  
New Delhi.

. . . . . Respondents/Applicant.

O R D E R

HON'BLE DR. K.B.S. RAJAN, MEMBER-J

Rev. No.43/06 has been considered. The Hon'ble High Court has clearly held where a particular plea was not argued, the same cannot be agitated before the Hon'ble High Court. In the instant case to my memory the vacancy position was the subject matter and it was, therefore, specified in para 6 of the order under review that admittedly 424 posts under direct recruitments are being filled.

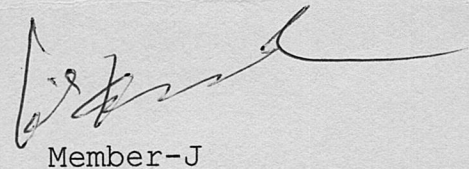


2. In addition to the above as recently as in June 2006, Ministry of Personnel have issued an order stating that while calculating 5% of Direct Recruitment vacancies, the same shall be for the total number of posts of Direct Recruitment vacancy without taking into account 'optimization', The relevant portion of which reads as under:

"3.....the following decisions have been taken:-

While the existing ceiling of 5% for compassionate appointment may not be modified but the 5% ceiling may be calculated on the basis of total direct recruitment vacancies for Groups "C" and "D" posts (excluding technical posts) that have arisen in the year. Total vacancies available for making direct recruitment would be calculated by deducting the vacancies to be filled on the basis of compassionate appointment from the vacancies available for direct recruitment in terms of existing orders on optimization".

3. With the issue of the above order the number of vacancies to be earmarked for compassionate appointment would rather increase. As such this Review Application cannot be allowed and is, therefore, rejected.



Member-J

/ns/