

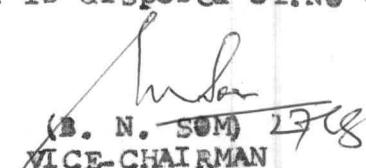
ORDER DATED 27.08.2003.

Sri Surgya Narayan Naik, S/o. Late Purna Chandra Naik, who was serving as a watchman under the Respondents has filed this original Application under Section 19 of the Administrative Tribunals Act, 1985, seeking appointment on compassionate ground under the re-habilitation assistance scheme of the Central Government. The Respondents have admitted the facts of the case and have also accepted in principle the claim of the Applicant for appointment on compassionate ground. However, they could not offer him an appointment on the ground that there was no vacancy within 5% ceiling of appointment in Gr-'C'/Gr.'D' posts. From the facts of this case it appears that the Applicant is entitled, according to his educational qualification, for an appointment against Gr.D post. As the number of posts in Gr.'D' under the Respondents is too few in number, it would be difficult to find a slot for appointment under compassionate quota, within the 5% ceiling in normal course. In the circumstances, the Respondents are directed to consider clumping of Gr.'D' posts in the eastern region together for the purpose of working out the quota for compassionate appointment and earmark a slot in the recruitment ~~rules~~/roster/register within the first 20 posts. This Bench of the Tribunal had already taken the above view, while deciding similar issues in OA Nos. 557/2001 and 111 &

138 of 2002 on 29th day of April, 2003.

As the Government have, now, allowed the Department to keep the waiting list of candidates for compassionate appointment valid upto three years, I direct that the Applicant's case may be kept in the waiting list for three years and during this period, the Respondents should make all endeavour to identify a slot for filling that up by a compassionate appointment quota candidate by following the directions we had already issued in OA Nos. 557/2001 and 111 and 138 of 2002 on 29th day of April, 2003.

With the above observations and directions, this original Application is disposed of. No costs.


(B. N. Srinivas) 27/6/08
VICE-CHAIRMAN