

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**ORIGINAL APPLICATION NO. 46/2006
JODHPUR THIS IS THE 21ST DAY OF NOVEMBER, 2008**

**CORAM :
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER**

Suja Ram S/o Shri Moda Ram, 23 years R/o Chimanpura, Jodhpur Road, Pali. Smt. Laxmi W/o Shri Moda Ram, Mazdoor in R.R. Station, Pali of the Central Arid Zone Research Institute, Jodhpur.

.....Applicant

For Applicant : Mr. Vijay Mehta, Advocate.

VERSUS

1-Indian Council of Agricultural Research, Krashi Bhawan, New Delhi, through its Director General.

2-Central Arid Zone Research Institute, Jodhpur through its Director.

.....Respondents.

For the Respondents : Mr. V.S. Gurjar, Advocate.

**.....
ORDER
[PER GEORGE PARACKEN, JUDICIAL MEMBER]**

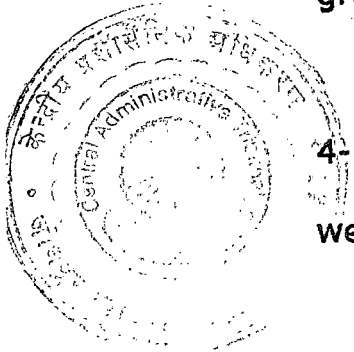


The applicant is aggrieved by his non-appointment by the respondents on compassionate grounds.

2- The facts of the case : The applicant's mother Smt. Laxmi expired while in service on 5.3.2004. Thereafter, he made the Annex. A/2 application dated 30.1.2006 for his appointment on compassionate grounds. However, the respondents have neither given any reply to the said representation nor have given him any appointment.

3- The respondents in their reply have submitted that applicant's request could not be acceded to for want of vacancies under the quota ear-marked for appointments on compassionate grounds. They have also stated that in terms of the Scheme for Compassionate

Appointment issued by the Government of India, Department of Personnel & Training, vide O.M. No. 14014/6/94-Estt.(D) dated 9.10.1998, only 5% vacancies in Group 'C' and 'D' under direct recruits quota only could be filled-up by candidates on compassionate grounds. They have further stated that two applications for compassionate appointment by the dependants of Government servants who were retired on medical grounds and three applications on the death of the Government servants were already pending and no appointments could be made in their cases also for want of sufficient number of vacancies. Learned counsel for applicant, however, has stated the respondents have appointed two persons by Annex. A/3 and Annex. A/4 letter dated 06.08.2005 as Casual Labours on compassionate grounds.

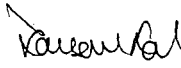



4- We have heard Mr. Vijay Mehta, learned counsel for applicant as well as Mr. V. S. Gurjar, learned counsel for respondents.

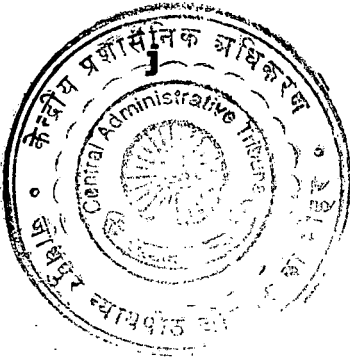
5- The compassionate ground appointment is admittedly a deviation from the general appointments. It is governed by the Annex.A/5 "Scheme for Compassionate Appointment" framed by the Government of India and issued by the Department of Personnel & Training under the O.M. No.14014/6/94-Estt.(D) dated 9.10.1998 and under the said scheme, compassionate appointments can only be given to the most deserving candidates within the 5% direct recruitment vacancies available in a year. According to the respondents, they have duly considered the case of the applicant for compassionate appointment but he could not be offered any appointment because of non availability of vacancies under the

aforesaid quota. Unless the vacancies are available, no appointment(s) can be given to any one. We, therefore, do not find any fault on the part of the respondents in not offering any appointment to the applicant on compassionate grounds.

6- In the result, this Original Application fails and it is dismissed.
There shall be no order as to costs.


(Tarsem Lal)
Member (A)


(George Paracken)
Member (J)



RC
2/2/12
2/2/12

Part II and III destroyed
in my presence on 1/1/12
under the supervision of
section officer (J) as per
order dated 1/1/12

[Signature]
Section officer (Records)

2 Copy
RC
2/1/12