

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO.188/04

Friday, this the 1st day of July, 2005.

CORAM :

HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN

Jacqueline Siquera
Residing at Chathannassery
Elamkunnapuzha
Kochi – 682 503 : Applicant

(By Advocate B.Sajeev Kumar)

Versus

1. Union of India represented by Secretary
Ministry of Information and Broadcasting
Government of India, New Delhi
2. The Director General
All India Radio
Akashavani Bhawan
Parliament Street
New Delhi
3. The Deputy Director General
All India Radio
Kamarajasalai, Mylapore
Chennai – 04
4. The Station Director
All India Radio
Thiruvananthapuram
5. The Station Director
All India Radio
Kochi
6. The Station Engineer
All India Radio
Kochi : Respondents

(By Advocate Smt.K.Girija, ACGSC)

The application having been heard on 01.07.2005, the Tribunal on the same day delivered the following :

ORDER

HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN

The applicant is aggrieved by order dated 30.09.2003 wherein her compassionate appointment was turned down by the respondents on the ground that vacancies under 5% quota for compassionate appointment were not available as the maximum time limit for consideration of compassionate appointment is three years and her request ^{has} come time barred.

2. The respondents have filed a detailed reply statement explaining the factual position regarding the vacancies which had arisen and the consideration of the applicant for the same. The appointments on compassionate grounds are governed by the latest instructions of DOPT O.M.No. 14014/19/2002-Estt(D) dated 05.05.2003. (Annexure R1-(a). The time limit for consideration of compassionate appointments was one year but in the above O.M it has been directed that if a particular case could not be considered within one year, the name of such person can be considered for one more year after screening by the Committee.

3. It is stated that the Office of the respondents is maintaining a panel of applicants for compassionate appointment in which the applicant is placed at 6th position. Nobody could be appointed and even persons who were senior to the applicant in the list have been included in the panel from the year 1995 onwards. According to the O.M, the maximum period that the name of a person can be kept for consideration is three years. After three years, if it is not possible to offer appointment, the case will be finally closed. Respondents have stated that they have even taken action for circulating the panel of names to the Zonal stations in the Southern Region. But the other stations could not consider the pending cases due to non-availability of vacancies. According to the statement filed by the respondents, only 9 vacancies were there in the Southern Region from 1999. In view of the facts stated, by the respondents submitted that it is not possible to consider the request of the applicant.

4. We have heard the learned counsel for applicant who stated that if 5% vacancies have to be ear-marked for compassionate appointment, unless 20 vacancies arise in a year, no person can be given compassionate appointment
5. It is true as stated from the applicant's side that due to limited number of vacancies arising in the Southern Region, no appointment could be made on compassionate grounds. But the 5% quota prescribed for compassionate appointment is a direction applicable all over India and no deviation can be made thereon by any particular department or office. Respondents cannot be faulted for not considering the case of the applicant. In accordance with rule, they have kept alive the name of the applicant in the panel for three years. But thereafter, the case had to be finally closed. In view of the above rule position, I am of the view that the relief sought by the applicant cannot be granted.
6. The Original Application is dismissed. No order as to costs.

Dated, 1st July, 2005.

Sathi Nair
SATHI NAIR
VICE CHAIRMAN

vs