

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

Original Application No. 39 of 2013

Thursday, this the 20th day of June, 2013

C O R A M :

HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

K. Jayan,
SK Bhavan (Muthoonyil),
Mangaram Muri,
Pandalam : 689 501 **Applicant.**

(By Advocate Mr. Vishnu S. Chempazhanthiyil)

v e r s u s

1. Union of India represented by its
Secretary to Government of India,
Ministry of Finance, New Delhi : 110 001
2. The Chief Commissioner of Income Tax,
Central Revenue Building, IS Press Road,
Kochi : 682 018. **Respondents.**

(By Advocate Mr. Raveendra Prasad, ACGSC)

The Original Application having been heard on 20.06.13, this Tribunal
on the same day delivered the following :

O R D E R

HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

This O.A. has been filed by the applicant for the following reliefs:

- (i) Call for the records leading to the Annexure A-13 and set aside
Annexure A-13;
- (ii) Declare that the applicant is entitled to be considered for
compassionate appointment against the posts in Group 'C' and
Group 'D' in accordance with Annexure A-1 Scheme;



- (iii) Direct the respondents to consider the applicant for compassionate appointment against the posts in Group 'C' and Group 'D' in accordance with Annexure A-1 scheme and to grant him such appointment without further delay and with all consequential benefits;
- (iv) Direct the respondents to consider the applicant as qualified for the post of Tax Assistant and extent consideration under the Compassionate Appointment Scheme to the applicant;
- (v) Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice;
- (vi) Award the cost of these proceedings to the applicant.

2. M.A. No. 49/13 for condonation of delay in filing this O.A. is allowed.

3. In the order dated 06.08.2009 in O.A. No. 655/2008, this Tribunal had directed as under :

"12. In the instant case, the applicant's case has been considered only once and on the ground that he could not make it through for Tax Assistant and that he is not No. 1 for the post of Notice Server his case has been rejected and quoting the three years' stipulation, his case stands closed once for all. This is unjustified for the two reasons as aforesaid viz., that vacancy ought to be at 5% of total number of direct recruitment vacancies without any truncation on account of optimization principle and secondly, the case of the applicant has to be considered for the second and third time.

13. In view of the above, the OA is disposed of with a direction to the respondents to work out the total number of vacancies in the grade of Tax Assistant as well as Notice Server for the past years keeping in view the provisions of the DOPT letter dated 14th June 2006 and consider the case of the applicants along with other eligible candidates and if the applicant makes it through he be given compassionate appointment and if not he be informed accordingly.

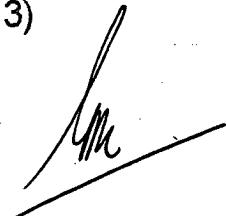
14. No time limit is specified as the matter involves re-working out of the vacancies and also to consider the other cases."

4. The applicant has been considered a second time for compassionate



appointment as per the above direction. But he has not been considered for a third time. Learned counsel for the respondents fairly conceded that the applicant has to be considered for the 3rd time for compassionate appointment. Accordingly the O.A. is allowed with a direction to the respondents to consider the applicant for compassionate appointment for the third time as early as possible. No costs.

(Dated, this the 20th June, 2013)



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

cvr.