

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

OA NO.: 185 OF 2006

[Patna, this Friday, the 9th Day of May, 2008]

C O R A M

HON'BLE MR. SHANKAR PRASAD, MEMBER [ADMN.]
HON'BLE MS. SADHNA SRIVASTAVA, MEMBER [JUDL.]

.....
Marry Soreng,
W/o Late Samouel Soreng.

Vs.

The Union of India through the Secretary,
Ministry of Information & Broadcasting,
Shastri Bhavan, New Delhi & Ors.

.....

Counsel for the applicant. :- N o n e.

Counsel for the respondents.:- Shri P.Dwivedi, JC to Shri M.K.Mishra, SSC,
for the respondents.

O R D E R [ORAL]

Shankar Prasad, M[A] :- Aggrieved by the order dated 28.04.2005 and communicated vide order dated 15.07.2005 [Annexure-A/7] rejecting the case of the applicant for compassionate appointment, the applicant has preferred the present OA. The order rejecting the case of the applicant reads as under :-

“All pending proposals received for appointment on compassionate grounds in Doordarshan, have been considered in this Directorate, by the Committee constituted for considering requests for Compassionate Appointments in its meeting held on 17th March, 2005. The Committee has observed that adequate number of vacancies under 5% of direct recruitment quota in a year fixed by DOP&T for compassionate appointments are not available and consequently a large no. of such cases are on the increase year to year. Further keeping in view the instructions dated 05.05.2003 of DOP&T that if appointment could not be offered within three years, no case be kept in the pending list for more than 3 years, the Committee has taken a decision that all the pending cases which are more

than three years old i.e., the cases in which the death has occurred prior to the year of 2002 and compassionate appointment could not be offered due to non-availability of 5% vacancy, such, may be closed and need not be reopened in future. The following dependent family member [s] seeking employment on compassionate grounds in Doordarshan may please be apprised of the position suitably under intimation to this Directorate immediately.”

2. In this regard, the DOP&T has issued an OM dated 05.05.2003 which reads as under :-

“The undersigned is directed to refer to Department of Personnel & Training O.M. No. 14014/94-Estt[D], dated October 9, 1999 and O.M. No. 14014/23/99-Estt[D] dated December 3, 1999 on the subject above and to say that the question of prescribing a time limit for making appointment on compassionate grounds has been examined in the light of representations received, stating that the one year limit prescribed for grant of compassionate appointment is often resulting in depriving genuine cases seeking compassionate appointments, on account of regular vacancies not being available, within the prescribed period of one year and within the prescribed ceiling of 5% direct recruitments.

2. It has, therefore, been decided that if compassionate appointment to genuine and deserving cases as per the guidelines contained in the above OMs is not possible in the first year, due to non-availability of regular vacancy, the prescribed Committee may review such cases to evaluate the financial conditions of the family to arrive at a decision as to whether a particular case warrants extension by one more year for consideration for compassionate appointment by the Committee subject to the availability of a clear vacancy within the prescribed 5% quota. If on scrutiny by the Committee, a case is considered to be deserving, the name of such a person can be continued for consideration for one more year. *S*

3. The maximum time a person's name can be kept under consideration for offering Compassionate Appointment will be three years subject to the condition that the prescribed Committee has reviewed and certified the penurious condition of the applicant at the end of first and second year. After three years, if compassionate appointment is not possible to be offered to the Applicant, his case will be finally closed, and will not be considered again."

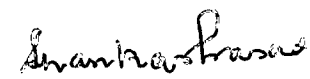
3. We have carefully gone through the said circular. The said circular has been issued to take care of the difficulties being experienced in considering the cases of the applicants who had applied for the post but could not be granted compassionate appointment on account of fewer number of vacancies. The circular makes it possible for such persons to compete for the vacancies arising for compassionate appointment in subsequent years in case there financial condition is more acute than the applicants of the next year.

4. Having regard to this, we are of the opinion that para 3 of the aforesaid OM has to mean consideration on three occasions.

5. We, accordingly, quash and set-aside the order dated 28.04.2005, communicated through letter dated 15.07.2005 [Annexure-A/7], passed by the respondents and direct them to consider the case of the applicant on merits along with other eligible persons.

With the aforesaid directions, his OA is disposed of. No costs.


[Sadhna Srivastava]/M[J]


[Shankar Prasad]/M[A]

skj.