

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1472/95

Date of Order: 11.9.96

BETWEEN :

N.Subhashini

.. Applicant.

AND

The Secretary,  
Ministry of Home Affairs,  
Government of India,  
Rehabilitation Division,  
Jaisalmer House,  
Mansing Road,  
New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr.D.Hanumantha Rao

Counsel for the Respondents

.. Mr.K.Bhaskara Rao

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

None for the applicant. Mr.K.Bhaskara Rao, learned standing counsel for the respondents.

2. Though this case was listed for dismissal today there was no representation from the applicant side. Even earlier on 10.9.96 also none were present for the applicant. Hence it was posted for dismissal today.

Today a reply was handedover by the learned standing counsel. Hence the OA is disposed of on the basis of material available on record.

3. The applicant is the wife of one Sri P.Balakrishna Reddy who was appointed as Pharmacist at M.V. 79 Hospital, Dandakaranya Project, Malkangiri, Orissa State on 2.1.82. The husband of

.. 2 ..

the applicant died on 16.9.86 leaving the widow and a minor son. She applied for compassionate ground appointment immediately thereafter. Her case was referred to the Collector Chittoor District by the Zonal Administrator, DDA, Malkangiri vide letter dated 24.10.86. But there was no tangible result from the Collector. Her effort with the A.P. State Government also for getting compassionate ground appointment proved to be futile. She also filed representation for her compassionate ground appointment to the Ministry of Personnel and Training. It is stated that even the persons who are made surplus from D.D.A. Project were employed elsewhere due to strenuous effort. It is also stated that compassionate ground appointment was also given to some of the wards of the deceased employees of D.D.A. Project with great difficulty. Hence she was informed by the impugned order No.7(1)/92-Litig., dated 13.7.95 by the Under Secretary to the Government of India, Ministry of Home Affairs that there is no scope for her appointment on compassionate ground since the DDA has been woundup long back.

4. This OA is filed for setting aside the impugned order dated 13.7.95 (A-7) and for a consequential direction to consider her for appointment on compassionate ground.

5. A reply has been filed in this OA. The reply states that there is no vacancy for appointing her on compassionate ground inspite of approaching the various other Ministries also. However in para-11 of the reply it is stated that wards of the DDA Project numbering 41 has been enlisted for compassionate ground appointment in Group-C and 29 in Group-D category and all are waiting for compassionate ground appointment for years some of them from 1970 onwards. The enlisted candidates for compassionate ground appointment could not be offered a post as no vacancy is available either in the Ministry of Home Affairs or in other Ministries. It is also stated that when a similar

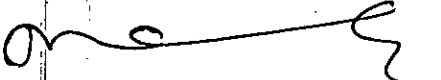
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case was taken up by the High Court of Delhi no direction was given for immediate appointment in that case. It is also submitted in the reply that the Cuttack Bench of this Tribunal in OA.434/93 decided on 18.1.94 had observed that "since DDA Project has already been woundup and several persons are deployed to the surplus cell for being adjusted in any other organisation rightly it was not possible on the part of the concerned authority to give an appointment to the petitioner in that OA on compassionate grounds".

6. Considering the above reply and the long list of pending candidates for appointment against compassionate ground quota it is not possible to give any definite direction in this case. However, the respondents may include her name either in Group-C or D category already available with them as per para-11 of the reply as per her qualification at the bottom of that list. She has to wait till her turn comes for appointment on compassionate ground on the basis of that seniority. She cannot demand any out of turn appointment in this connection.

7. With the above direction the OA is disposed of.  
No costs.



( R. RANGARAJAN )  
Member (Admn.)

Dated: 11th September, 1996

(Dictated in Open Court)

sd

  
18.9.96  
Dy. Registrar (T)

OA.1472/95.

Copy to:-

1. The Secretary, Ministry of Home Affairs, Government of India ,  
Rehabilitation, Division, Jaisalmer House, Mansing road,  
New Delhi.
2. One copy to Sri. D.Hanumantha Rao, Advocate, CAT, Hyd.
3. One copy to Sri. K.Bhaskar Rao, Addl. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

Rsm/-

03/09/96  
Typed By  
Compared by

1148344

MA 1472/95  
Checked By  
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 11/9/96

ORDER/JUDGEMENT ✓  
R.A./C.P./M.A. NO.

B.A. NO.

in  
1472/95

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS  
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

NO Spare Copy

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण/DESPATCH 30 SEP 1996 हयदराबाद बेंच HYDERABAD BENCH
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20