

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Dated of order: 16.10.2003

OA No. 105/2003

Jatin Dhingra s/o Shri Ravindra Kumar Dhingra r/o Dadwara,
Behind Rajendra Hotel, Kota Junction, Kota.

.. Applicant

Versus

1. Union of India through the Secretary, Ministry of Finance, Govt. of India, New Delhi.
2. The Narcotics Commissioner, Central Narcotics Bureau, 19 Mal Road, Murar, Gwalior, M.P.
3. The Deputy Narcotics Commissioner, Govt. of India, Kota Rajasthan.
4. The Assistant Narcotics Commissioner, Govt. of India, Kota, Rajasthan.

.. Respondents

Mr. Lokesh Sharma - counsel for the applicant

Mr. Tej Prakash Sharma, counsel for the respondents.

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

O R D E R (ORAL)

PER HON'BLE MR. M.L.CHAUHAN.

The applicant has filed this application thereby praying for the following reliefs:-

- "i) Original Application may kindly accept and allow, order dated 28.2.2002 may be quashed and respondents may be directed to give appointment to the applicant on compassionate ground.

Any other appropriate order or direction which the Hon'ble Tribunal thinks just and proper in the facts and circumstances of the case even the

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same has not been specifically prayed for but which is necessary to ensure ends of justice may kindly also be passed in favour of the applicant.

Cost of the Original Application be awarded in favour of the humble applicant."

2. The respondents have filed reply. By way of preliminary objections, the respondents in para 1 have stated as under:-

1. That it is stressed that it is a settled position in the matter of compassionate appointment that they can be made only up to the limited extent against vacancies available in the organisation. The Apex Court has already laid down in HRTC vs. Dinesh Kumar reported in AIR 1996 SC 2226 (ST) 1996 (SC) 319, that directions to make appointment on compassionate grounds creating a supernumerary post is illegal and without jurisdiction. It is noteworthy to state that already a total of 53 applications (Group C and D posts) of dependents of deceased employees are pending for compassionate appointment as on date. Thus, as soon as vacancy of post is available as per terms of the scheme, the respondents shall consider applicant for compassionate appointment. Therefore, at this stage, the present OA filed by the applicant is liable to be dismissed."

3. The learned counsel for the applicant submits that his apprehension is that even if the vacancy become available for compassionate appointment in near future,




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the case of the applicant will not be considered by the respondents.

3.1 I see no force in the contention raised by the learned counsel for the applicant. As can be seen from reply affidavit, portion of which has been quoted above, it has been specifically averred by the respondents that "as soon as vacancy of post is available as per terms of the scheme, the respondents shall consider applicant for compassionate appointment". In view of this specific averment made in the reply, I see no reason why the respondents shall not consider the case of the applicant against the first vacancy which may arise in near future.

4. With these observations, the OA stands disposed of with no order as to costs.


(M.L. CHAUDHAN)
Member (J)