

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Order : 08.01.2004

Original Application No. 256/2003.

Hanuman Sahai Meena S/o Shri Shiv Ram Meena by cast Meena, aged about 22 years, resident of Village, Goth-ki-patti, post Khar-Kada, Tn. Jamwaramgarh, Jaipur.

... Applicant.

versus

1. Union of India through the Secretary to the Govt. of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur-7.
3. Superintendent Post Office, in Dn. Jaipur.

... Respondents.

Mr. P. N. Jatti counsel for the applicant.
Mr. N. C. Goyal counsel for the respondents.

CORAM

Hon'ble Mr. R. K. Upadhyaya, Administrative Member.
Hon'ble Mr. Bharat Bhushan, Judicial Member.

: ORDER (ORAL) :

Learned counsel for the applicant states that this application has been filed seeking compassionate appointment on the death of the government servant Shri Shiv Ram Meena who died in harness on 19.03.1999. It is pointed out that the claim of the applicant has been rejected vide impugned order dated 04.03.2003 (Annexure A-1) on the ground that there was no vacancy. He was invited attention to the Government of India DOP&T OM dated 05.05.2003 (Swamy's News July 2003) which ~~was~~ stipulates that the cases of the compassionate appointment should be reviewed if the same were rejected for want of vacancies within 5% quota for such appointments.

2. Learned counsel for the respondents has opposed this application and filed reply. According to him, this is not a fit case for compassionate appointment. Regarding DOP&T OM dated 05.05.2003, it is stated that the same is prospective and cannot be applied in this case. If this OM is applied the persons already in the queue for compassionate appointment will be prejudiced.

3. We have heard the learned counsel for the parties and have perused

the material available on record.

4. The prayer of the applicant has been rejected on assumption of the ~~good~~^{bad} financial condition of the family. Reference ~~has~~ also been made to Government of India instructions for giving compassionate appointment for vacancies available within the stipulated 5% direct recruitment vacancies.

5. In our view, the respondents should reconsider the case of the applicant as per Government of India OM dated 05.05.2003 (supra). If the applicant's case was not considered meritorious enough in the year when the committee considered the case of the applicant, the same ~~memorandum~~ should be reviewed as per this direction. The argument that this is ~~not~~ prospective and others will be prejudiced is rejected because the very object of this OM dated 05.05.2003 is to extend the benefit on review of the cases which were earlier rejected. Therefore, the respondents are directed to consider the case of the applicant and review the same while considering the cases of compassionate appointment against the vacancies available at the time of next committee meeting in terms of OM dated 05.05.2003 within a period of six months from ~~the~~ day. The applicant may be informed of the decision taken.

6. In view of what ~~as~~ has been discussed in the preceding paragraphs, the OA is disposed of accordingly.


(BHARAT BHUSHAN)
MEMBER (J)


(R. K. UPADHYAYA)
MEMBER (A)