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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT COURT SITTING, GWALIOR

ORIGINAL APPLICATION NO. 1024 of 2005

Gwalior, this the 5th day of September, 2006

**Hon'ble Dr.G.C.Srivastava – Vice Chairman
Hon'ble Shri A.K.Gaur – Judicial Member**

Brij Mohan Kushwah,
S/o. Late Basanti Lal Kushwah,
Aged 21 years, R/o. Ramtapura No. 2,
Gwalior (MP).

- Applicant

(By Advocate – Shri J.P. Shrivastava)

Versus

1. The Comptroller & Auditor General of
India, 10, Bhadur Shah Jafar Marg, New Delhi.

2. The Accountant General (A&E)I,
Madhya Pradesh, Gwalior.

- Respondents

(By Advocate – Shri M. Rao)

O R D E R (Oral)

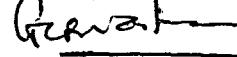
By Dr. G.C. Srivastava, Vice Chairman –

Through this Original Application, the applicant has prayed for direction for appointment on compassionate grounds. The applicant had originally applied for an appointment in a group-C post but after it was made known to him he was not eligible to get appointment in group-C, he applied for appointment in a group-D post. As per the return filed by the respondents, the applicant was interviewed on 25.10.2004 for appointment on a group-C post but was not found eligible. The contention of the respondents is that no group-D post was available for appointment on compassionate grounds and hence the request of the applicant could not be considered. The applicant has made several representations but no reply has been given by the respondents.

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2. As per the directions issued by the Department of Personnel and Training, an applicant found suitable for appointment on compassionate grounds has to be considered in three consecutive years if vacancies are not available in the first year. In the instant case, we find that no such consideration has been given to the applicant. We are of the view that ends of justice would be met if directions are given to the respondents to consider the applicant for another two occasions in consecutive years for appointment against a group-D post subject to his fulfilling the criteria laid down under the rules. The respondents are accordingly directed to consider the case of the applicant for appointment in a group-D vacancy in two consecutive years starting from the year 2006 and pass a detailed and reasoned order, in case it is not possible to appoint him in any of these two years. This exercise should be completed for the year 2006 within three months from the date of receipt of a copy of this order and subsequently before the end of the year 2007 if occasion so arises. With this direction, the OA is disposed of. No costs.

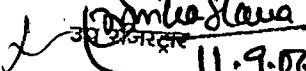

(A.K.Gaur)
Judicial Member

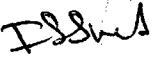

(Dr.G.C.Srivastava)
Vice Chairman

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प्रकाशन सं. ओ/न्या..... जबलपुर, दि.....
प्रतिलिपि अच्छे होते:-
 (1) सदित, उच्च व्यायालय द्वारा एमोरिएशन, जबलपुर
 (2) अद्वेदत्त श्री/श्रीमती/कु..... ले काउंसल
 (3) पत्रर्थी श्री/श्रीमती/कु..... के काउंसल
 (4) अधिकारी, एम.पी.आ. जबलपुर न्यायपीठ
 सूचना एवं आवश्यक कार्यवाही हेतु

J.P. Shrivastava
M. Rao, M.A. I.L.


ज्ञानरक्षक 11.9.06.


on 11.9.06

