

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 25th day of November, 2010

ORIGINAL APPLICATION NO. 147/2009

CORAM

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

Rukma Devi wife of Late Shri Sita Ram Yadav, aged about 40 years, resident of I/20, GSI Colony, Malviya Nagar, Jaipur (Deceased Sita Ram Yadav was messenger in GSI, Jaipur)

.....Applicant

(By Advocate: Mr. Rajendra Vaish)

VERSUS

1. Union of India through Secretary to the Government of India, Department of Mines, Ministry of Mines, Shastri Bhawan, New Delhi.
2. The Director General, Geological Survey of India, 27, J.L. Nehru Road, Kolkatta.
3. Airborne Mineral Survey of Exploration (Wing) (H.Q.), Geological Survey of India, Western Zone, 3rd Floor, G-Block, 15-16, Jhalana Dungri, Jaipur.

.....Respondents

(By Advocate: Mr. B.K. Tiwari proxy to Mr. T.P. Sharma)

ORDER (ORAL)

The applicant has filed this OA thereby praying that direction may be given to the respondents to give her appointment on compassionate grounds as per letter dated 28.06.2007 (Annexure A/2).

2. Notice of this application was given to the respondents. The respondents have filed reply. In the reply, the stand taken by the respondents is that the husband of the applicant was employed in AMSE Wing, GSI, West Zone, Jaipur and the allotment of posts varies from region to region. It is further stated that the details furnished by

the applicant pertains to Western Region Office, AMSE Wing, GSI with its headquarter at Bangalore has separate allotment of posts. Thus according to the respondents, the case of the applicant could not be considered for compassionate appointment as thereby was no post vacant in AMSE Wing, GSI, Jaipur. It is further stated that there are 47 applications pending for appointment on compassionate grounds and the candidature of the applicant will be considered as & when turn of the applicant comes and availability of the vacancy under 5% compassionate appointment quota.

3. The applicant has filed rejoinder. Alongwith the rejoinder, the applicant has annexed statement showing vacancy position of Group 'D' employees as on 31.05.2005 in respect of Western Region, GSI, Jaipur. Perusal of this document reveals that there are 135 posts belonging to different categories which are lying vacant and can be filled in by direct recruitment. Learned counsel for the applicant further submits that AMSE wing with its headquarter at Bangalore has now been merged with the GSI Wing, Jaipur. Thus the contention of the respondents that ^{there} are no vacancy available for the purpose of consideration of the case of the applicant for compassionate appointment is factually incorrect.

4. We have heard the learned counsel for the parties and have gone through the material placed on record. Vacancy position given by the applicant vide Annexure A/5 has also not been disputed in the additional reply. In the Additional reply, the respondents are still reiterating that all the pending cases for appointment on

compassionate grounds will be considered subject to the availability of the vacancy.

5. Thus in view of what has been stated above, the only direction which can be given in the facts & circumstances of this case is that the respondents shall consider the case of the applicant for compassionate appointment against the vacant Group 'D' post to be filled in by way of direct recruitment against 5% quota in case the vacancies are available and respondents have taken decision to merge AMSE Wing Bangalore with GSI Jaipur. Such a consideration shall be done within a period of three months from the date of receipt of a copy of this order.

6. With these observations, the OA is disposed of with no order as to costs.


(M.L. CHAUHAN)
MEMBER (J)

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