

**Central Administrative Tribunal
Jaipur Bench, JAIPUR**

OA.150/2009

This the 16th day of March, 2010

Hon'ble Shri M.L. Chauhan, Member (Judicial)

Mr. Mamraj S/o late Shri Ramswaroop Harijan, aged around 25 years, Resident of village Dholla, Tehsil Jamwa-Ramgarh, District Jaipur (Rajasthan).

...Applicant

(By Advocate: ShriAmit Mathur)

VERSUS

1. Union of India through Secretary, Ministry of Coal and Mines, Department of Mines, New Delhi.
2. Director General, Geological Survey of India, Head Quarter, 27, JLN Marg, Kolkata.
3. Dy. Director, Geological Survey of India (Drilling), SG, Western Region, Jhalana Doongari, Jaipur.

.....Respondents

(By Advocate: Ms. Shabana proxy for Shri T.P.Sharma)

O R D E R(Oral)

Heard.

2. The applicant has filed this OA, thereby praying for the following reliefs:-

- (i) the order annexure A/1 may kindly be quashed and set-aside. The respondents may be directed to consider the claim of the applicant as and when vacancies arise and thereafter give him appointment.
- (ii) the respondent may further be directed to consider the claim of the applicant for appointment on compassionate grounds even after the expiry of the three years periods from the date of the death of his father.

(iii) Any other appropriate relief, which this Hon'ble Tribunal may feel proper in the facts and circumstances of this case, may kindly be allowed.

3. Briefly stated, facts of the case are that father of the applicant expired on 19.4.2006. The application for compassionate appointment was moved by the mother of the applicant and respondents has passed impugned order dated 20.3.2009, Annexure A-1, whereby the respondent has informed the mother of the applicant that applicant cannot be given compassionate appointment on the ground of non-availability of vacancy in Group 'D' category under the compassionate appointment quota. It is this order which is under challenge before this Tribunal.


4. Notice of this application was given to the respondents. The respondents in the reply have categorically stated that the case of the applicant could not be considered and the same was rejected on the ground of non-availability of vacancy.

5. I have heard learned counsel for the parties and gone through the material placed on record.

6. In view of the specific stand taken by the respondents that there is no vacancy against which the case of the applicant for compassionate appointment can be considered, no direction can be given to respondents to create a post for the purpose of considering the case of the applicant for compassionate appointment. As such, the prayer of the applicant for grant of compassionate appointment can neither be accepted nor any such

positive direction can be given to keep the claim of the applicant open for indefinite period. However, it will be open for the respondents to consider the case of the applicant for compassionate appointment in accordance with the law as and when vacancy arises within reasonable period.

7. With these observations the OA shall stands dispose of.


(M.L. Chauhan)
Member (Judicial)

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