

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 19<sup>th</sup> day of August, 2010

**ORIGINAL APPLICATION NO. 373/2009**

**CORAM**

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

Parwati Devi wife of Late Shri Verendra Kumar Sen, aged about 52 years, resident of House No. 1425, Baba Harish Chandra Marg, Ram Nath Pujari Ki Gali, Bhura Tiba, Chandpole Bazar, Jaipur.

.....Applicant

(By Advocate: Mr. P.N. Jatti)

VERSUS

1. Union of India through Under Secretary, Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. The Chief Commissioner of Income Tax (Cadre Controlling Authority), NCR Building, Statue Circle, Jaipur.
3. Accountant General (A and E) Rajasthan, Bhagwan Das Road, Jaipur.

.....Respondents

(By Advocate: Mr. Vijay Saini proxy to Mr. S.S. Hassan)

**ORDER (ORAL)**

The grievance of the applicant is regarding non consideration of his case for compassionate appointment. By way of this OA, the applicant has prayed that directions may be given to the respondents to provide him compassionate appointment.

2. Notice of this OA was given to the respondents. The respondents have filed their reply. In the reply, the respondents have stated that the husband of the applicant was a regular employee of the office of the Principal Accountant General (Civil Audit), Rajasthan, Jaipur who had expired on 11.12.2006. It is further stated that the case of the applicant for compassionate appointment was also forwarded to the office of Respondent no. 3 with a request that if vacancy position in their office permits, the case of the applicant may be considered. Respondent no. 3 has specifically stated that they have nothing to do

ly


in the matter as the case of the applicant pertains to the office of Principal Accountant General (Civil Audit). It is also stated that the applicant has not impleaded the office of the Principal Accountant General (Civil Audit) Rajasthan, Jaipur as party respondent in this OA. The respondents have also stated that the papers received from the office of Accountant General (Civil Audit) has also been returned as there is no vacancy available in the office of respondent no. 3 and already two cases of compassionate appointment pertaining to their office is under consideration whereas only 1 vacancy exists in Group 'C' cadre.

3. Thus in view of what has been stated above, no directions can be given to respondent no. 3 to consider the case of the applicant for compassionate appointment and it only the Principal Accountant General (Civil Audit) Rajasthan, Jaipur who has to consider the case of the applicant for compassionate appointment and who is not the party respondents before this Tribunal.

4. Learned counsel for the applicant submits that in view of the stand taken by the respondents in the reply, he may be permitted to withdraw this OA with liberty reserved to him to pursue the matter before the Principal Accountant General (Civil Audit) Rajasthan, Jaipur.

5. In view of what has been stated above, the applicant is permitted to withdraw this OA at this stage with liberty reserved to him pursue the matter with Principal Accountant General (Civil Audit) Rajasthan, Jaipur and if need be, file substantive OA for the same cause of action.

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

  
(M.L. CHAUHAN)  
MEMBER (J)

AHQ