

(17)

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 30.08.2012

OA No. 22/2011

Mr. C.B. Sharma, proxy counsel for
Mr. M.S. Gupta, counsel for applicant.
Mr. V.S. Gurjar, counsel for respondents.

At the request of learned proxy counsel for Mr.
M.S. Gupta, counsel for applicant, put up the matter on
18.09.2012 for hearing.

K.S. Rathore
(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER

Kumawat

18-09-2012

OA No. 22/2011

Mr. Surendra Singh, proxy counsel for
Mr. M. S. Gupta, Counsel for applicant.
Mr. V. S. Gurjar, Counsel for respondents.

Heard.

O.A. is disposed of by a
separate order on the separate-
sheets for the reasons recorded
therein.

K. S. Rathore
[Justice K. S. Rathore]
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 18th day of September, 2012

ORIGINAL APPLICATION No.22/2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Laxman Lal Meena
s/o late Shri Mohan Lal Meena,
r/o Kagdar Mohalla Khanda Gour,
Tehsil Rishabh Dev,
District Udaipur.

.. Applicant

(By Advocate : Shri Surendra Singh)

Versus

1. Prasar Bharti,
Through its Chief Executive Officer,
PTI Building, Secretariat,
New Delhi.
2. All India Radio,
Through Station Director,
Park Street, M.I. Road,
Jaipur

.....Respondents

(By Advocate : Shri V.S.Gurjar)

ORDER (ORAL)

The short controversy involved in this case is that father of the applicant was working as Security Guard in the respondent department and he expired on 19.3.2004. The applicant applied for appointment on compassionate grounds alongwith all relevant



documents but the case of the applicant for appointment on compassionate ground was rejected on the ground that the quota for compassionate appointment is limited to 5% of the posts fallen vacant during the year and since the case of the applicant could not be considered for want of vacancy for three years, as such, in view of the time limit prescribed vide DOPT OM dated 5.5.2003, the case of the applicant is closed.

2. I have heard the learned counsel appearing for the respective parties and perused the material available on record.

3. The learned counsel appearing for the applicant has drawn my attention towards the Office Memorandum dated 26th July, 2012 of the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, New Delhi whereby the time limit for making compassionate appointment was reviewed and the OM dated 5.5.2003 prescribing time limit of three years has been withdrawn.

4. In view of above, facts remain that case of the applicant was not considered for want of vacancy and ultimately closed in view of the time limit of three years prescribed for considering cases of compassionate appointment vide OM dated 5.5.2003 and since the OM dated 5.5.2003 has been withdrawn, the case of the applicant requires consideration.

5. Accordingly, in the interest of justice, I deem it proper to direct the respondents to consider case of the applicant for compassionate appointment in accordance with the provisions of law.



6. The OA stands disposed of in the above terms with no order
as to costs.



(JUSTICE K.S.RATHORE)
Judl. Member

R/