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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL


04.10.2012

OA No. 173/2012 with MA 86/2012

Mr. P.N. Jatti, Counsel for applicant.
Mr. Gaurav Jain, Counsel for respondents.

Heard learned counsel for the parties.

The OA as well as MA are disposed of by a separate order.


(Anil Kumar)
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

Jaipur, the 04th day of October, 2012

ORIGINAL APPLICATION No. 173/2012
WITH
MISC. APPLICATION NO. 86/2012

CORAM :

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Virendra Dev son of Shri Nathu Lal, by caste Raigar, aged about 32 years, resident of House No. 3473, Raigaron Ki Kothi, Raigaron Ka Mohalla, Ghat Gate, Jaipur.

... Applicant

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

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner Income Tax, NCR Building, Statue Circle, Jaipur.

... Respondents

(By Advocate: Mr. Gaurav Jain)

ORDER (ORAL)

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

- (i) That by a suitable writ/order or the direction, the respondents be directed to consider the candidature of the applicant for the appointment on the compassionate grounds as his application for the compassionate appointment is pending with the respondents since long and no order has been passed in that application till date.
- (ii) That by a suitable writ/order or the direction, the respondents be directed to call the applicant for computer test which is going to be conducted by the respondents on 21 and 22.03.2012 as per the letter dated 13.03.2012.
- (iii) That by a suitable writ/order or the direction, the respondents be directed to keep one post vacant

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against the candidature of the applicant till the decision of the OA.

(iv) Any other relief which the Hon'ble Bench deems fit.

2. Learned counsel for the respondents submitted that now the DOPT has withdrawn DOPT's OM No. 14014/19/2002-Estt (D) dated 05.05.2003 vide OM No. 14014/3/2011-Estt (D) dated 26.07.2012. The OM dated 05.05.2003 of the DOPT provided that compassionate appointment was to be considered upto the period of three years from the date of death of the employee. In view of the OM dated 26.07.2012, the Chief Commissioner of Income Tax (CCA), Jaipur has constituted a new committee for making appointment on compassionate ground to consider the cases afresh which were rejected earlier on the basis of time limit of three years as prescribed vide OM dated 05.05.2003 of the DOPT. He has also submitted that the similar controversy has already been decided by this Tribunal in OA No. 184/2012 with MA 239/2012 (Arvind Dagdi vs. Union of India & Others) decided on 25.09.2012.

3. Upon careful perusal of the reply submitted on behalf of the respondents and also submissions of the learned counsel for the respondents, it is clear that now in view of the DOPT OM No. 14014/3/2011-Estt (D) dated 26.07.2012, the respondents have agreed to re-consider the case of the applicant afresh on its own merit by the new committee set up by the Chief Commissioner of Income Tax for making

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appointment on compassionate grounds ignoring the earlier recommendations, which were rejected earlier on the basis of time limit of three years.

4. In view of what has been stated above, it is expected from the respondents to re-consider the case of the applicant afresh for appointment on compassionate grounds according to the provisions of law and instructions issued on the subject from time to time. It is expected from the respondents that they shall undertake this exercise expeditiously but in any case not beyond the period of six months from the date of receipt of a copy of this order.

5. With these observations and directions, the OA stands disposed of with no order as to costs.

6. The MA No. 86/2012 for condonation of delay also stands disposed of accordingly.

Anil Kumar
(Anil Kumar)
Member (A)

AHQ