

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

1)

ORDERS OF THE BENCH

Date of Order: 25.09.2012

OA No. 184/2012 with MA No. 239/2012

Mr. Sunil Samdaria, counsel for applicant.
Mr. Gaurav Jain, counsel for respondents.

Reply Filed

Heard learned counsel for the parties.

2

O.A. and M.A. are disposed of by a separate order on
the separate sheets for the reasons recorded therein.

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

Kumawat

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

**ORIGINAL APPLICATION NO. 184/2012
WITH
MISC. APPLICATION NO. 239/2012**

DATE OF ORDER: 25.09.2012

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER

Arvind Dagdi S/o late Shri Ramdev Dagdi, aged 40 years, R/o Gali No. 9, Krishna Colony, Near Nehru Gate, Beawar, District Ajmer.

...Applicant

Mr. Sunil Samdaria, counsel for applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, Central Board of Direct Taxes, North Block, New Delhi.

2. Chief Commissioner of Income Tax, Central Revenue Building, Bhagwan Das Road, Jaipur.

...Respondents

Mr. Gaurav Jain, counsel for respondents.

ORDER (ORAL)

The present Original Application has been filed by the applicant praying that the respondents may be directed to appoint him on compassionate basis at par with dependents of Shri Amit Sinha, Senior Tax Assistant, Shri K.K. Saksena, Inspector, Shri Trilok Chand Tak, Office Superintendent, who died in the same accident in which father of the applicant had died.

2. Today, learned counsel appearing for the respondents has filed reply to the Original Application. Relevant part of para 4.12 & para 5.1 of the reply are reproduced hereunder: -


"4.12. That the contents of para 4.12 of the facts of the Original Application are not admitted as stated. It is

submitted that as per the DOPT'S OM No. 14014/19/2002-Estt(D) dated 5/5/2003, compassionate appointment were to be considered up to the period of three years from the date of the death of the employee. The case of the applicant was not considered by the committee constituted for compassionate appointment in its recommendations dated 20/4/2012 since the date of death of the employee was 21.10.2003. It is pertinent to mention here that now DOPT has withdrawn the aforesaid OM dated 5.5.2003 vide OM No. 14014/4/2011-Estt(D) dated 26/7/2012. In view of the same 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 year also. xxxxx"

5.1 That the contents of sub para (i) of the grounds are denied. It is submitted that in view of the DOPT's OM No. 14014/19/2002-Estt(D) dated 05.05.2003, at the relevant time the action taken by the answering respondents was quite just, proper and correct. Therefore, there was no violation of Article 14 of the Constitution of India. However, now in view of the DOPT fresh OM dated 26/7/2012 the case of the applicant shall be considered on merits by the new committee for making appointment on compassionate grounds to consider the cases afresh which were rejected earlier on the basis of time limit of three years also."

3. Upon careful perusal of the reply submitted on behalf of the respondents, it reveals that now in view of the DoPT OM dated 26.07.2012, the respondents are agreed to reconsider the case of the applicant afresh on its own merits by the new committee for making appointment on compassionate grounds, ignoring the earlier recommendations made by the committee, which was rejected earlier on the basis of time limit of three years.

4. In view of the above, it is expected from the respondents to reconsider the case of the applicant afresh for appointment on compassionate grounds at par with other dependents, as mentioned by the applicant in the relief clause, sympathetically and on its own merit as agreed by the respondents in their reply.



It is further expected from the respondents that they shall undertake this exercise within a reasonable time, but if any case not beyond the period of six months from the date of receipt of a copy of this order.

5. With the above observations and directions, the Original Application stands disposed of with no order as to costs.

6. In view of the order passed in O.A., no order is required to be passed in the Misc. Application for seeking amendment in the O.A. Therefore, the Misc. Application also stands disposed of.

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

kumawat