

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 19.03.2014

OA No. 579/2012 with MA No. 309/2012

Mr. S.R. Choudhary, counsel for applicant.

Mr. Anupam Agarwal, proxy counsel for

Mr. Mukesh Agarwal, counsel for respondent no. 1.

Dr. V. Varughese, proxy counsel for

Mr. S.S. Hasan, counsel for respondent no. 2.

Heard learned counsel for the parties.

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

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

Kumawat

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 579/2012
With
MISC. APPLICATION NO. 309/2012

Jaipur, the 19th day of March, 2014

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Babli Ram Meena son of Late Shri Meetha Lal Meena (Mithya Ram Meena), aged about 32 years, By caste Meena (ST), resident of Vilage Haidena, Via Mandawara, District Dausa.

... Applicant

(By Advocate: Mr. S.R. Chodhary)

Versus

1. Union of India through its Secretary, Department of Agriculture and Cooperation, Krishi Bhawn, Dr. Rajendra Prasad Road, New Delhi.
2. Director Central Sheep & Wool Research Institute, Avika Nagar, Tehsil Malpura, District Tonk (Rajasthan).

... Respondents

(By Advocates: Mr. Anupam Agarwal Proxy counsel for Mr.Mukesh Agarwal, Counsel for respondent no.

- 1.
2. Mr. V.V. Varughese Proxy counsel for Mr. S.S. Hassna, Counsel for respondent no. 2.

ORDER (ORAL)

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

- “(i) The order dated 01.05.2012 issued by the respondents may kindly be declared bad in law, arbitrary, capricious by quashing and setting aside the same.
- (ii) the respondents may further be directed to give appointment to the petition on compassionate ground on suitable post.
- (iii) Any other direction and order, which are, deem proper in the facts and circumstances of the case may kindly be allowed on the applicant.
- (iv) Cost of the OA may kindly be allowed to the applicant.”

2. The brief facts of the case, as stated by the learned counsel for the applicant, are that that the father of the

Anil Kumar

applicant while serving with the respondent department died on 25.01.1998. The applicant applied for appointment on compassionate grounds. However, the respondents vide letter dated 01.05.2012 (Annexure A/1) have rejected the claim of the applicant on the ground that there is no posts available under the quota of appointment on compassionate grounds. The learned counsel for the applicant argued that the respondents be directed to consider the applicant's case for appointment on compassionate grounds in future vacancies.

3. The respondents have filed their reply. The learned counsel for the respondents submitted that on account on non-availability of the vacancies beyond 5% quota meant for the dependants of the deceased employees, it is not possible to give appointment on compassionate grounds to the applicant.

4. The learned counsel for the respondents also submitted this is the second round of litigation. Earlier the applicant had filed OA No. 202/2012 before this Tribunal for seeking compassionate appointment. The said OA was disposed by this Tribunal vide order dated 03.04.2012 with the following observations:-

5. ".....It is not disputed that the applicant's father was expired way back in the year 1998 and last representation filed by the applicant was in the year 2007. This way, the OA preferred by the applicant is after an inordinate delay of more than four years and in such circumstances, this Tribunal does not want to interfere in the matter. However, it is expected from the respondents to decide the representation of the applicant dated 13.12.2007 (Annexure A/6) as to why the applicant has not been considered for appointment on compassionate grounds."

Arul Kumar

5. However, he submitted that the respondents are willing to re-consider the case of the applicant for appointment on compassionate grounds subject to availability of vacancies for appointment on compassionate grounds, eligibility of the applicant and in accordance with the guidelines issued from time to time by the DOPT for appointment on compassionate grounds and seniority & merit of the applicant in the waiting list prepared for appointment on compassionate grounds.

6. Heard the learned counsel for the parties and perused the documents on record.

7. It is not disputed that the father of the applicant expired on 25.01.1998. While disposing of the OA No. 202/2012, this Tribunal had already observed that the OA was filed by inordinate delay. However, in view of the submissions made by the learned counsel for the respondents that they are willing to re-consider the case of the applicant if he is otherwise eligible, if the vacancies are available under the appointment on compassionate grounds subject to his comparative merit amongst the wait listed candidates and guidelines issued by the DOPT on this subject from time to time, the respondents are directed to take a decision in this case according to the provisions of law.

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

Arul Kumar

9. The Misc. Application No. 309/2012 for condonation of delay under Section 21 of the CAT Act, 1985 read with Section 5 and 14 of the Limitation Act for treating the OA in limitation is disposed of accordingly.

Anil Kumar
(Anil Kumar)
Member (A)

AHQ