

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 26.05.2014

OA No. 99/2013 with MA No. 291/00130/2014

Mr. P.N. Jatti, counsel for applicant.

Mr. B.K. Pareek, proxy counsel for

Mr. T.P. Sharma, counsel for respondents.

Heard learned counsel for the parties.

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


(ANIL KUMAR)
ADMINISTRATIVE MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 99/2013
WITH
MISC. APPLICATION NO. 291/00130/2014

Date of Order: 26.05.2014

CORAM

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Bajrang Singh Shekhawat S/o Shri Shankar Singh, by caste Rajpoot, R/o 82/357, Sector-8, Pratap Nagar, Sanganer, Jaipur, employee in the O/o Regional Director, Department of Atomic Energy, Sector-5, Pratap Nagar, Sanganer, Jaipur.

...Applicant
Mr. P.N. Jatti, counsel for applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Department of Atomic Energy, Anu-Shakti Bhawan, C.S.M. Marg, Mumbai.
2. Director Minerals Directorate for Exploration and Research, Department of Atomic Energy, Begumpet, Hyderabad (A.P.).
3. Assistant Personnel Officer, Atomic Minerals Directorate for Exploration and Research, Department of Atomic Energy, Begumpet, Hyderabad (A.P.).
4. Regional Director, Department of Atomic Energy, Sector-5, Pratap Nagar, Sanganer, Jaipur.

...Respondents
Mr. B.K. Pareek, proxy counsel for
Mr. T.P. Sharma, counsel for respondents.

ORDER (Oral)

The applicant has filed the present Original Application being aggrieved by the order dated 04th April, 2012 (Annexure A/1). The case of the applicant for appointment on compassionate grounds was considered by the respondent-department on 09.09.2010 along with other cases. The name of the applicant

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was placed at Sl. No. 20 in the priority list based on the indigent index arrived by the Compassionate Appointment Committee (CAC). As on 09.09.2010, only 6 vacancies were available under compassionate appointment quota and since the name of the applicant was placed at Sl. No. 20 in the priority list, therefore, he could not be considered for appointment on compassionate grounds. The case of the applicant was reviewed in the next CAC meetings held on 06.09.2011 and 01.02.2012. On both the occasions, his name was kept at Sl. No. 13 in the priority list. However, the respondents vide their letter dated 04th April, 2012 (Annexure A/1) have not disclosed the vacancy position for the year 2011 and 2012.

2. The respondents in this letter dated 04th April, 2012 (Annexure A/1) have further stated that in terms of the DoPT O.M. No. 14014/19/2002-Estt (D) dated 05.05.2003, the maximum period a person's name can be kept under consideration for offering compassionate appointment will be three years. After three years, if it is not possible to offer appointment on compassionate grounds, the case will be finally closed and will not be considered again.

3. The respondents have further stated that in view of this position, the case of the applicant would be reviewed again along with other fresh cases, if any, by the concerned Committee on or before 09.09.2013.

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4. Learned counsel for the applicant submitted that father of the applicant was the only bread-earner in the family and after the expiry of his father; the family has entered into the indigent circumstances. The father of the applicant at the time of his death, left behind his widow, one un-married son and one un-married daughter aged 17 years. Therefore, he requested that the respondents be directed to re-consider the case of the applicant for appointment on compassionate grounds.

5. The respondents have filed M.A. No. 291/00130/2014 in which they have stated that now the DoPT vide O.M. dated 26.07.2012 has withdrawn the maximum time limit of three years for consideration of the cases for appointment on compassionate grounds earlier prescribed by the DoPT vide O.M. dated 05.05.2003. Therefore, the case of the applicant would also be placed before the Compassionate Appointment Committee in its next meeting to be held during April, 2014. Therefore, the respondents submitted that the present O.A. has become infructuous.

6. In view of the position explained by the respondents in the M.A. No. 291/00130/2014, the respondents are directed to re-consider the case of the applicant for appointment on the compassionate grounds in the next meeting of the Compassionate Appointment Committee in accordance with the provisions of law. It is made clear that if the applicant is still aggrieved by the decision taken in the next meeting of the

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Compassionate Appointment Committee, he is at liberty to file fresh O.A., if he is so advised, according to the provisions of law.

7. With these observations and directions, the Original Application is disposed of with no order as to costs.

8. In view of the order passed in the O.A., the Misc. Application No. 291/00130/2014 is also disposed of.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

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