

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**RA No.263/2016
In
OA No.843/2015**

New Delhi this the 20th day of December, 2016

Hon'ble Mr. P.K. Basu, Member (A)

Union of India & Others

1. Department of Posts
Office of the Senior Superintendent
Airmail Sorting Division
Chankypuri,
New Delhi-110021.
2. Department of Posts
Office of the Chief Postmaster General
Delhi Circle,
New Delhi-110001.
3. Ministry of Communications & Information Technology
Govt. of India
Sanchar Bhawan,
New Delhi
Through its Secretary.

...Review Applicants

(By Advocate: Shri Sunil Ahuja)

Versus

1. Smt. Punita Devi
W/o late Shri Nawal Kishore Mehto
(worked as Ex-Sorting Assistant)
D-1, 4C, Mansa Ram Park
Uttam Nagar, New Delhi-110059.
2. Shri Amit Kumar
S/o Late Shri Nawal Kishore Mehto
D-1, 4/C, Mansa Ram Park
Uttam Nagar, New Delhi-110059.Respondents

(Through Advocate: Shri Sanjeev K. Singh)

ORDER (Oral)

Heard the learned counsels on the RA.

2. The contention of the learned counsel for review applicants is that the OA was disposed of taking into consideration the earlier instructions on compassionate appointment and that thereafter the OM dated 22.06.2001 has been issued, wherein it has been instructed as follows :-

“Generally it is seen that in view of the 5% ceiling prescribed for compassionate appointment under the extant instructions, there are not enough vacancies to accommodate even requests for compassionate appointment from family members of Government servants belonging to the same Ministry/Department/Office. Consequently, there are no spare vacancies left to accommodate requests from other Ministries/ Departments/Offices for such appointment. Therefore, while no useful purpose is being served by taking up the matter with other Ministries/Departments/Offices of the Government of India to consider such other cases received by them from other Ministries/Departments/Offices for compassionate appointment, it on the other hand only gives false hope to the applicants as grant of such appointment by other Ministries, etc. cannot be guaranteed. It has, therefore, been decided that in future the Committee prescribed in paragraph 12 of Office Memorandum dated October 9, 1998 for considering a request for appointment on compassionate grounds should take into account the position regarding availability of vacancy for such appointment and it should limit its recommendation to appointment on compassionate grounds only in a really deserving case and only if vacancy meant

for appointment on compassionate grounds will be available within a year in the concerned administrative Ministry/ Department/Office, that too within the ceiling of 5% of vacancies falling under DR quota in any Group 'C' or 'D' post prescribed in this regard in para 7(b) of Office Memorandum dated October 9, 1998 referred to above."

3. In short, it is contended that clause 7(e) and (f) of the earlier scheme which required the respondents to consider vacancies anywhere in Government of India i.e. other Ministry/Department/Office has since been withdrawn. It is also contended by the learned counsel for review applicants that the judgment of the Hon'ble Supreme Court in ***Abhishek Kumar Vs. State of Haryana & Ors.*** (Civil Appeal No.5657/2006) relates to the State and the direction was for the State to consider vacancies all over the State.

4. I have perused the instructions dated 22.06.2001. The instructions clearly do not take away the earlier provision that vacancies in other administrative Ministry/Department/Office are not to be considered. It only says that in really deserving cases, these vacancies will be considered. Moreover, the ratio as laid down by the Hon'ble Supreme Court in ***Abhishek Kumar*** (supra) is being given a very narrow interpretation by the learned counsel for review applicants. What the Hon'ble Supreme Court has stated regarding the State of Haryana in the matter before their Lordships, the same

order would apply to the Government of India. I, therefore, do not find any merit in the RA. Accordingly, the same is dismissed.

MA No.3361/2016

In view of the above order passed in RA, the MA stands dismissed as having become infructuous.

(P.K. Basu)
Member (A)

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