

**Central Administrative Tribunal  
Principal Bench, New Delhi**

C.P.No.47/2018 in O.A. No.1742/2017

Friday, this the 13<sup>th</sup> day of April 2018

**Hon'ble Mr. Justice Dinesh Gupta, Chairman  
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Surender Ahlawat  
s/o late Shri Dharam Pal  
r/o 563, Laxmi Bai Nagar  
New Delhi – 110 023

..Applicant

(Mr. Ravi Kumar, Advocate along with applicant)

Versus

1. Smt. G Latha Krishna Rao, Secretary  
Ministry of Social Justice & Empowerment  
Room No.636, A Wing, Shastri Bhawan  
Dr. Rajendra Prasad Road  
New Delhi – 110 001

2. Shri B P Sharma  
Secretary  
Department of Personnel & Training  
North Block, Central Secretariat  
New Delhi, Delhi – 110 001

..Respondents

(Mr. R N Singh, Advocate)

**O R D E R (ORAL)**

**Mr. K N Shrivastava:**

This C.P. has been filed against the alleged non-compliance of the Tribunal's order dated 18.05.2017 passed in O.A. No.1742/2017, in which the following directions have been issued:-

“2. Having regards to the submission made and without going into the merits of the case, the OA is disposed of at the admission stage itself with direction to respondent No.1 to consider the case of the applicant in terms of the extant guidelines for compassionate

appointment and reply to his Annexure A-6, letter dated 29.03.2017, within a period of three months.”

2. An affidavit has been filed on behalf of the respondents, enclosing therewith Annexure R-1 dated 19.07.2017 addressed to the applicant by the Under Secretary to the Government of India, Ministry of Social Justice & Empowerment. This letter reads as under:-

“I am directed to refer to the Honble CAT Orders dated 22.05.2017 in OA No.100/1742/2017 and your application dated 29.03.2017 seeking compassionate appointment.

2. The case has been duly examined and it is informed that as per the guidelines issued by DoPT, compassionate appointments can be made upto a maximum of 5% of vacancies falling under direct recruitment quota in any Group ‘C’ post. At present no vacancy is available in the Ministry under this category.

3. As and when vacancy arises in this Ministry, the Committee constituted for considering request for appointment on compassionate grounds would scrutinize all such applications (including your application) and submit its recommendation for appointment on compassionate grounds taking into account deserving case(s) for consideration of competent authority of this Ministry.

4. Thereafter, the recommendations of the committee would be placed before the competent authority for a decision. If the competent authority disagrees with the committee’s recommendation, the case would be referred to the next higher authority for a decision.”

3. From Annexure R-1 letter, we observe that there is no vacancy available under the 5% quota against which the applicant’s case for compassionate appointment could have been considered by the respondents. The letter further states that applicant’s request for compassionate appointment would be considered in due course in accordance with the rules and guidelines.

4. In this view of the matter, we are of the view that the order of the Tribunal has been substantially complied with. Accordingly, C.P. is closed. Notices issued to the respondents stand discharged.

**( K.N. Shrivastava )**  
**Member (A)**

**( Justice Dinesh Gupta )**  
**Chairman**

**April 13, 2018**  
**/sunil/**