

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No. 3605/2014

Order Reserved on: 10.09.2015
Order pronounced on 15.09.2015

Hon'ble Shri V. Ajay Kumar, Member (J)

Ms. Pooja, aged about 25 years and 06 months
D/o Late Shri Shuka Dev Singh, Desg. Section Officer
R/o G-753, Sri Niwasपुरी Colony
New Delhi – 110 065. ... Applicant

(By Advocate: Sh. R.D.Joshi)

Versus

1. Union of India through
Its Secretary
Ministry of Agriculture
Govt. of India
Department of Animal Husbandry
Dairying and Fisheries (Admn.I Section)
Krishi Bhawan, New Delhi – 110 001.
2. Under Secretary
Government of India
Ministry of Agriculture
Department of Agriculture
And Cooperation
Krishi Bhawan
New Delhi – 110 001. .. Respondents

(By Advocate: Ms. Priyanka Bhardwaj)

ORDER

The brief facts, as narrated in the OA, are that the applicant's father, who was working as Section Officer with the 1st Respondent, died while in harness, on 07.11.2005, leaving behind him his wife and

two unmarried daughters. Since the family has no other source of income, except meagre amount of family pension, the applicant, who is one of the daughters, made an application on 02.03.2007 seeking appointment as LDC on compassionate grounds. After much delay, the respondents sought for certain information from the applicant, however, vide the impugned Order dated 14.03.2014 stated that the application of the applicant for compassionate appointment is pending with them and that the same will be considered as and when vacancies for appointment on compassionate grounds are available under the 5% compassionate appointment quota in the category of LDC. It is also stated in the said impugned letter that no compassionate appointments in the grade of LDC have been made after the year 2003, due to lack of vacancies under the said quota.

2. Heard Shri R.D.Joshi, the learned counsel for the applicant and Ms. Priyanka Bhardwaj, the learned counsel for the respondents and have perused the pleadings on record.

3. The respondents vide their counter, while not denying the aforesaid facts, submit that in view of the non-availability of the LDC vacancies under the 5% compassionate appointment quota, a case was made for relaxation of 5% quota and was referred to DoP&T for considering the case of the mother of the applicant, i.e., wife of the deceased employee for compassionate appointment on the post of Peon (Group `D'- now renamed as MTS (Group `C')), however, the same was not acceded to. Further, the respondents requested all the

Ministries/Departments of Government of India and all the attached/subordinate offices of Department of Animal Husbandry, Dairying and Fisheries for consideration of the case of the applicant for appointment to any Group 'C' post, however, no response was received by the respondents. Accordingly, it is submitted that all the required measures were taken to consider the case of the applicant along with other similarly situated persons but due to insufficient vacancies under the relevant quota, the applicant's case could not be considered. It is further submitted that the case of the applicant is still under consideration.

4. It is well settled that the compassionate appointments cannot be made over and above the prescribed percentage of quota. Hence, the action of the respondents cannot be found fault with.

5. In the circumstances, the OA is dismissed as being devoid of any merit. However, this order shall not preclude the respondents from considering the case of the applicant for appointment on compassionate grounds, if any vacancy is available in future, under the quota, in accordance with law. No costs.

(V. Ajay Kumar)
Member (J)

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