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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.922 OF 2003

New Delhi, this the 15th day of October, 2003

HON'BLE SHRI SHANKER RAJU, JUDICIAL MEMBER

Mr. Madan Pal
S/o Late Shri Amar Singh,
R/o Village & P.O. Bhuapur,
Distt. Faridabad,
Haryana.

(By Advocate : Shri Deepak Kumar Vijay)Applicant

Versus

1. Union of India
through Director of Printing,
Ministry of Development,
Nirman Bhawan,
New Delhi.
2. The Manager,
Government of India Press,
New Delhi.

(By Advocate : Shri B.S. Jain)Respondents

ORDER (ORAL)

Applicant is aggrieved of the respondents' inaction to accord him compassionate appointment.

2. From the reply, it transpires that the name of the applicant has been shown at serial No.152 for appointment to the post of Labourer on the compassionate grounds. However, taking resort to DOP&T's OM dated 22.6.2001, it is contended that the consideration is only in deserving cases and that to within a year as well as only 5% quota under the direct recruitment vacancies is meant for this purpose and the applicant's turn has yet to come.

3. Heard learned counsel for the parties and perused the material on record.

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4. Attention of the learned counsel for the respondents Shri B.S. Jain has been drawn towards the latest OM issued by the DOP&T on 5.5.2003 with regard to consideration for compassionate appointment, whereby it has been held that the waiting list which was operative only for one year, should be operative for at least three years. On confrontation with the aforesaid OM, learned counsel for the respondents has fairly stated that the matter would be considered in terms of the aforesaid OM.

5. As the latest OM dated 5.5.2003 is just a clarificatory instructions of the previous OM's on the subject, it relates back to the date of issuance. As such, it is fully applicable in the case of the applicant.

6. In this view of the matter, the OA is disposed of with a direction to the respondents to consider the claim of the applicant in the light of the aforesaid DOP&T's OM dated 5.5.2003 within a period of three months from the date of receipt of a copy of this order.

7. Let a copy of this order along with a copy of the OA be sent to the respondents.

S. Raju
(SHANKER RAJU)
JUDICIAL MEMBER

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