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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1367/2003

New Delhi, this the 28th day of May, 2003

Hon'ble Sh. Shanker Raju, Member (J)

Vikas Kumar  
S/o Late Sh. Mohan Lal  
House No.2469, Nalwa Gali  
Chuna Mandi, Paharganj  
New Delhi - 110 055.

...Applicant

(None present)

V E R S U S

Union of India through

1. Secretary  
Ministry of Urban & Development  
Nirman Bhawan, New Delhi.

2. Chief Engineer  
Delhi Central Zone - 7  
East Block-4, Fourth Floor  
CPWD, R.K.Puram  
New Delhi - 110 066.

...Respondents

O R D E R (ORAL)

Shri Shanker Raju,

Applicant son of the deceased who died in harness on 12-8-2000 sought compassionate appointment. His application dated 9-3-2001 was forwarded by the Executive Engineer. The aforesaid request was turned down by an order dated 27-2-2003, inter alia, stating that sympathetically as per DOPT OM dated 9-10-98, case of the applicant has been considered for the post of Peon and in the light of terminal benefits accorded to the applicant which is well beyond the poverty line laid down by the Planning Commission and having regard to State Directorate Memo dated 28-3-2003 where name of the persons for compassionate appointment is to be kept in waiting list for a year that too with regard to 5 % quota meant for compassionate appointment in

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direct recruitment case of applicant was not found fit to offer compassionate appointment and was also beyond the ambit of the Scheme.

2. The aforesaid order is assailed. None present for the applicant. OA is disposed of in terms of Rule 15 of the CAT (Procedure) Rules. One of the ground taken is that compassionate appointment is to be offered to tide over the sudden financial crisis. Despite availability of post of Peon with the respondents, compassionate appointment has not been offered which is an arbitrary exercise by the respondents.

3. In the light of decision in Himmat Singh Vs. UOI OA-2706/2001 decided on 7.5.2003 and the fact that DOPT Instructions restricted appointments on compassionate grounds to really deserving cases within the quota of 5 % on direct recruitment that too within a year as per the waiting list applicant has no vested right for appointment but for consideration only. As the case of applicant has already been considered by the respondents in accordance with DOPT OM dated 9-10-1998, I do not find any infirmity in the order passed by the respondents.

4. OA is accordingly dismissed in limine.

S. Raju  
(SHANKER RAJU)  
MEMBER (J)

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