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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1369/2003

New Delhi, this the 17th day of November, 2003

Hon'ble Sh. Sarweshwar Jha, Member (A)

Prem Pal
S/o Late Sh. Tukki Ram
R/o 28/1-A, Sector-2,
Peshwa Road, Gole Market
New Delhi - 110 001.

...Applicant

(By Advocate Sh. Pankaj Vivek)

V E R S U S

Central Public Works Department
through its Chief Engineer (E)-II
Vidyut Bhawan, New Delhi - 110 001.

...Respondents

(By Advocate Sh. B.B.Raval, proxy
for Mrs. Meenu Mainee)

O R D E R (ORAL)

Shri Sarweshwar Jha,

Heard.

2. Applicant has prayed for appointment on compassionate grounds on the death of his father Sh. Tukki Ram on 4-2-2001. It is observed that the case of the applicant has already been considered by the respondents and not accepted vide their letter dated 20-11-2002 (Annexure A-1). The reasons which they have given in the said impugned letter is that the request of the applicant does not fall within 5 % quota of vacancies earmarked for such appointments. They have, infact, said that it would not be possible for them to give such appointment to the applicant within one year. They have not specified whether the case of the applicant is otherwise covered under the various conditions laid down for considering appointments on compassionate grounds. They have also not specified whether this case could have been

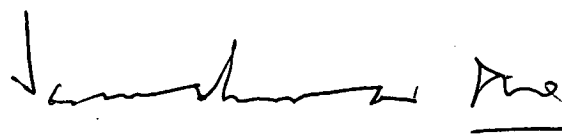
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considered within 5 % quota of vacancies for appointments on compassionate grounds in the subsequent year. The learned counsel for the applicant has also submitted that his case should have been considered for the subsequent year also and should have been put in the waiting list.

3. Learned counsel for the applicant has, however, submitted that on the basis of the impugned letter it can be inferred that his case has already been found permissible under the requisite conditions laid down for such appointments, as there is no mention in the said impugned letter that his case has not been found acceptable under the relevant instructions on the subject.

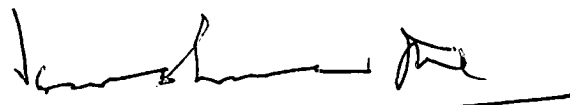
4. It is further observed that reply of the respondents has not been filed so far, for which a number of adjournments have already been granted to them. The learned proxy counsel for the respondents submits that reply of the respondents is ready and has been sent to the appropriate authorities for vetting. He further submits that, the learned counsel for the respondents being unwell, the reply will be filed very shortly as soon as counsel for respondents recovers and is available for attending to this case.

5. This aspect of the matter has been considered by me and in my view it would not serve any purpose by retaining this case here undecided till such time the reply of the respondents is filed.



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6. After having gone through the material on record, I am of the opinion that it would be appropriate that the submissions made by the counsel for the applicant that his case could have been considered for vacancies meant for appointments on compassionate grounds for the subsequent year, as he otherwise fulfils the conditions laid down for such appointments, are given fresh consideration. Accordingly, the case is remitted to the respondents with a direction that they look into the matter afresh with reference to the submissions made by the applicant that his case may be considered for vacancies on compassionate grounds for the subsequent year also. They are further directed to dispose of the matter with reference to the relevant instructions on the subject by issuing a reasoned and speaking order within two months from the date of receipt of a copy of this order.


(SARWESHWAR JHA)
MEMBER (A)

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