

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1813/2003
MA 1549/2003

New Delhi this the 6th day of January, 2004

Hon'ble Shri Shanker Raju, Member (J)

Shri Surjeet Kumar
S/O Late Shri Shiv Charan Singh Tomar,
Ex-Vehicle Mechanic T.No.2358,
Deceased employee of 510 Army Base
Workshop, Meerut Cantt.
R/O 158/3-b, Ram Nagar, Kanker Khera,
Meerut.

...Applicant

(By Advocate Shri Atul Tyagi proxy for
Shri V.P.S.Tyagi)

VERSUS

1. Union of India (Through Secretary)
Ministry of Defence,
South Block, New Delhi.
2. The Director General, EME (EME CIV)
MGO's Branch,
Army HQrs, DHO P.O.
New Delhi-110011
3. The Dy.Director, EME,
Head Quarters, Base Workshop EME,
Meerut Cantt.
4. The Commandant,
510, Army Base Workshop,
Meerut Cantt.

...Respondents

(By Advocate Shri L.R.Sharma proxy for
Shri V.S.R.Krishna)

O R D E R (ORAL)

Hon'ble Shri Shanker Raju, Member (J)

Denial of compassionate appointment vide order dated 10.7.2002 is assailed. Applicant, son of the deceased, civilian in defence who died in penury, on rejection of his request for compassionate appointment approached this Court in OA-1385/99. By an order dated 9.7.2001 respondents have been directed to consider the request of applicant. Accordingly, vide order dated 10.7.2002 observing that the name of applicant stands at serial No.21 of the merit list,

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having obtained 57 marks as per 100 point scale keeping in view the number of vacancies and ceiling of 5% his name was at serial No.8. Due to inadequate vacancies appointment could not be accorded.

2. Learned counsel for applicant by referring to DOPT OM dated 5.5.2003 where the ceiling period of one year has laid down in DOPT OM issued in 1999 has been modified contends that as the case was found deserving the same may be considered by the competent authority and be kept alive for another two years.

3. On the other hand, respondents vehemently opposed the contentions and stated that nobody can be accorded compassionate appointment as a right as applicant does not come within the 5% ceiling of quota meant for direct recruitment for compassionate appointment his case was rejected.

4. I have carefully considered the rival contentions of the parties and perused the material on record. Admittedly, applicant who has not come within the ceiling of 5% has been denied compassionate appointment. As modification of DOPT OM of 1999 vide OM dated 5.5.2003 prescribe review of deserving cases and names to be kept in the waiting list and the fact that clarification relates back to the date of OM issued in 1999 the case of applicant requires reconsideration in the light of the aforesaid OM.

5. In the result, OA is disposed of with the direction to the respondents to consider the claim of applicant for compassionate appointment, strictly in accordance with DOPT OM dated 5.5.2003. No costs.

S. Raju
(Shanker Raju)
Member (J)