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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2002/2003

New Delhi this the 26th day of August, 2003

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

Sura Sagen Soy,
W/O Late Sosan Soy,
Ex-Reception Officer,
Office of DDK, Lucknow.

..Applicant

(By Advocate Shri S.C.Soren)

VERSUS

1. Union of India
through the Secretary,
Ministry of Information and
Broadcasting Govt. of India,
New Delhi.
2. D.G.Doordarshan,
Door Darshan Bhawan,
New Delhi.
3. Director,
DDK Lucknow, 24 Ashok Road,
Lucknow.

..Respondents

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)

I have heard Shri S.C.Soren, learned counsel for the applicant.

2. This is the second round of litigation by the applicant who claims appointment on compassionate grounds against the existing vacancy of her deceased husband. Earlier the applicant had filed OA (OA 1454/2002) which was disposed of by Tribunal's order dated 30.5.2002 (Copy placed at pages 17 and 18 of the paper book).

3. In pursuance of the aforesaid order of the Tribunal dated 30.5.2002, it is noticed that the

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respondents have considered the applicant's representation dated 10.6.2002 for appointment in any suitable Group 'D' post on compassionate grounds and passed a speaking order on the subject. On perusal of the reasons given by the respondents in Paragraphs 2 and 3 of the impugned order dated 24.7.2002 and also the settled law on the subject of compassionate appointment, it cannot be held that the reasons are either arbitrary or illegal or the conclusion arrived at by the respondents are based on extraneous grounds so as to warrant any interference in that order. It is relevant to note that the respondents have stated that due to non-availability of vacancy under the 5% quota prescribed for compassionate appointment, the offer of appointment as LDC/Group 'C' post could not be made to the applicant, but they have stated that her name has been included in the pending list to issue offer of appointment in turn, as and when vacancy becomes available in the grade of LDC under this quota. Later on, it appears that the applicant was agreeable to accept the appointment in Group 'D' post for which also the respondents were required to consider as per the aforesaid order of the Tribunal which they have done. They have informed the applicant by the impugned order that for want of vacancy, it has not been found possible to offer her appointment in any Group 'D' post also 'for the present'. It, therefore, shows that as and when any vacancy arises either in Group 'C' or in Group 'D' posts, the respondents would consider making ^{an offer} offer of appointment to the applicant. In this

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view of the matter, I do not find any illegality or arbitrariness in the action taken by the respondents. I find no merit in the OA. The same is accordingly dismissed in limine.

Lakshmi Swaminathan

(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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