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Central Administrative Tribunal
Principal Bench, New Delhi.

OA-2740/2003

New Delhi this the 23rd day of August, 2004.

Hon'ble Shri Shanker Raju, Member(J)

Smt. Jahan Arara,
W/o Late Abdul Rahim,
V&P.O. - Razapur,
Distt.-Ghaziabad(UP). Applicant

(through Sh. C.M. Khan, Advocate)

Versus

1. Union of India through
its Secretary,
Ministry of Finance
(Department of Coin & Currency)
North Block,
New Delhi-1.
2. The India Govt. Mint,
through its General Manager,
D-2, Sector-1,
Noida(UP). Respondents

(through Sh. Parvinder Chauhan, Advocate)

Order (Oral)
Hon'ble Shri Shanker Raju, Member(J)

Heard the learned counsel.

The claim is directed against an order passed by the respondents on 21.4.2003
rejecting the claim of the applicant for compassionate appointment. The aforesaid order

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has been assailed on several grounds including that the respondents have not acceded to the request of the applicant despite the family is indigent. It is also stated that the age of the children has been wrongly reflected. It is further stated that grant of retrial benefits would not be an impediment for consideration of the claim for compassionate appointment.

2. On the other hand, respondents plea is that though there was a move to initiate second shift by creation of certain posts in group-D but the same has been done away in the light of Ministry of Finance letter dated 3.5.2003 regarding abolition of the post. It is further stated that in accordance with the directions in OA-506/2003 the case of the applicant was considered in accordance with Rules and guidelines..

3. One of the legal contentions is that as the family of the government servant has survived for almost seven years the family cannot be treated as indigent.

4. It is trite law that the compassionate appointment cannot be claimed as a matter of right. The only right available is of consideration in accordance with laid down policy of the government.

5. In the present case the applicant had two minor children aged 8 and 12 years which has been wrongly mentioned as 20 and 8 years in the order passed by the respondents. Although initially the claim was to be considered for compassionate appointment under direct recruitment quota but the proposal of creation of vacancies was shelved down. Accordingly, applicant's case could not be considered. It is also clear that there is no direct recruitment quota available in group-D for compassionate appointment. Moreover there are 91 more deserving and senior cases to be considered for compassionate appointment in preference of their seniority.



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6. O.M. dated 5.5.2003 which has modified , earlier OM issued in 1999 the maximum limit laid down to consider compassionate appointment is 3 years. In the light of the aforesaid, I do not find any infirmity in the order passed by the respondents. Applicant though was considered but for want of vacancy. As three 3 years have already been elapsed, the case is deemed to have been closed. Accordingly, finding O.A. bereft of merit is dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)

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