

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 344/91

~~**T.A. NO.**~~

DATE OF DECISION 20-9-1995.

Smt. Gangaben T. Solanki

Petitioner

Mr. Kishore bhai T. Solanki

Mr. B.B. Gogia

Advocate for the Petitioner (s)

Versus

Union of India

Respondent

Mr. Akil Kureshi

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr.

V. Radhakrishnan

Member (A)

The Hon'ble Mr.

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

1. Smt. Gangaben Tapubhai Solanki
Street No.1, Mahatma Gandhi Plot
Bedipara, Rajkot.
2. Shri Kishorebhai Tapubhai Solanki
Stree No.1, Mahatma Gandhi Plot,
Bedipara, Rajkot.

Applicants.

Advocate Mr. B.B. Gogia.

Versus

1. Union of India
Through its Secretary
Postal Department
Government of India
New Delhi.
2. Postmaster General
Gujarat Circle
Ahmedabad.
3. Secretary General
Department of Communication
Postal Department
New Delhi.

Respondents.

Advocate Mr. Akil Kureshi

ORAL JUDGMENTIn
O.A. 344 of 1991

Date: 20-9-1995.

Per Hon'ble Shri V. Radhakrishnan Member (A)
Heard Mr. Gogia and Mr. Akil Kureshi, learned
advocates for the applicant and respondents respectively.

The applicants are the widow and son of
Shri T.M. Solanki who was working as Head Mail Man in H.R.O.
Rajkot and expired on 24-3-1988 while in service. He left
behind dependants namely his wife and fourth son. The



applicant No.2 has passed SSC examination and after the death of his father he applied for suitable job on compassionate grounds due to the economic condition of the family on 2-6-1988, Annexure A-1. The respondents asked for certain information, Annexure A-2. The applicant, however, submitted two more applications, Annexures A-4 & A-5. He also represented through Union, Annexures A-6, & A-7. The widow also sent a representation, Annexure A-8. However the respondents rejected the application of the second applicant, vide Annexure A-9. Hence the applicants have filed this present application contesting the rejection of the application for compassionate appointment and asked for the following reliefs:

- A. The respondents may please be directed to take immediate steps for employing the applicant No.2 in a suitable post commensurate with his educational qualification.
- B. Any other better relief/reliefs as the Hon'ble Tribunal may deem just and proper looking the circumstances of the case may kindly be granted to the applicant.
- C. The cost of the petition may kindly be granted to the applicant from the respondents.

2. The respondents have filed reply. They have stated that the ex-employee has four sons and three out of them were earning members when the employee died. The dependant also received Rs. 61,542/- as retiral benefits and the widow was

getting family pension of Rs. 535 p.m.. According to them the request for compassionate appointment can be considered only when there is no earning member in the family of the deceased employee. Their contention is that the other dependants of the employee should be supported by the other earning members of the family. Therefore, there is no case for consideration of applicant's request for compassionate appointment.

3. The applicant has filed rejoinder contesting the reply of the respondents. It is stated by him that the other three sons of the ex-employee are living separately with their own families with a number of dependants of their own and they are also earning small salaries which is hardly sufficient to maintain their families and they are not in a position to support the widow and other dependant son. He has also produced ration cards in support of his contention. Further the amount received by way of retirement benefits was spent by the widow in clearing the debt incurred in the marriage of the son daughters as well as in marriage of one more daughter after the death of the applicant.

4. Mr. Gogia during arguments brought to my notice ~~that~~ the circular issued by the department of communication ^{which} Annexure A-10, [^] takes into account the situation where even when there are earning members of the family. In such a case the request for compassionate appointment should be carefully considered after proper investigation as to whether the earning members are supporting the family before deciding the same. Mr. Gogia states that from the reply rejecting his request it appears that no such inquiry or consideration was made and the request was rejected in a routine way. Further ~~he~~ he points out that the other earning member of the family are living separately and the widow and the dependant son are living separately without getting any support from the other earning members of the family and the family pension of Rs. 535/- per month is hardly sufficient to support them. In these circumstances he pleads that the applicant's case should be considered on merits.

5. Taking into account the facts and circumstances of the case I feel that the respondents should reconsider the request of the applicant No.2 for suitable compassionate job after proper investigation in order to find out whether the statements made by the applicant that he is not

getting any support from other earning members of the family is true or not. After making such inquiry respondents may arrive at decision to offer suitable employment to the applicant No.2. The entire above process shall be completed within a period of four months from the date of receipt of ^a copy of this order and the applicant No.2 be informed of the decision within two weeks from the date of taking decision thereof.

6. With the above directions, O.A. stands disposed of.



(V. Radhakrishnan)
Member (A)

*AS.