

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

R.A.No. 35/92
and
M.A.No. 404/92
in
O.A. No. 69/91
~~E.A. No.~~

8

DATE OF DECISION 11-6-1993.

Abdul Kalam, Petitioner

Mr. K.V. Shelat, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent s

Mr. N.S. Shevde, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

The Hon'ble Mr. M.R. Kolhatkar, Admn. Member.

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

Abdul Kalam,
S/o late Abdul Khalik Allauddin Sheikh,
personally and as power of attorneyholder
for the heirs of deceased
Abdul Khalik (railway employee)
residing at : Freelandganj,
Railway Quarters,
Dahod.

..... Applicant.

(Advocate: Mr.K.V. Shelat)

Versus.

1. Union of India,
notice to be served through
The General Manager,
Western Railways,
Churchgate, Bombay.
2. The Deputy Chief Mechanical
Engineer, Western Railways
at Dahod Workshop,
Dahod.

..... Respondents.

(Advocate: Mr. N.S.Shevde)

ORAL ORDER

R.A.No. 35/1992

and

M.A. 404/1992

in

O.A. 69 OF 1991

Date: 11-6-1993.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr. K.V. Shelat, learned advocate
for the applicant and Mr. N.S. Shevde, learned advocate
for the respondents.

2. ^{review}
This application is filed by Abdul Kalam,
personally and per Power of Attorneyholder for the
heirs of deceased Abdul Khalik, to review the
judgment passed by this Tribunal in O.A. 69/91 dated
16th March, 1992. The hurdle in the way of the

10

applicant is about limitation. The Review Application is filed on 13th July, 1992 while the applicant had obtained a certified copy of the judgment on 25th March, 1992. Therefore, admittedly, this Review Application is filed after the period of expiry of 30 days, after obtaining the certified copy of the order of the Original Application. The applicant, therefore, has filed M.A. 404/92 for condonation of delay in which it is mentioned that Abdul Kalam immediately contacted his lawyer and on 1st July, 1992 went to the office of the applicant's advocate and told him that there seems to be a bonafide mistake and that since Abdul Kalam is ^{an} educated and unemployed person, his case should be considered for ^{appointment on} compassionate ground and that Mohmed Javid is not a Commerce graduate. The respondents have filed reply to the review application. There is no reply to M.A filed by the applicant. There is a delay of about three months. Considering the fact that there is no reply to M.A. and considering the averments made in M.A explaining the delay, we condone the delay and treat the review application in time and allow the M.A.

3. Now so far the merits of review application are concerned, the learned advocate for the respondents rightly pointed out that as per the direction given by this Tribunal, the representation of Javid Mohmed Sheikh dated 5th September, 1987 was considered by the

authority concerned and he submitted that the same is rejected. The learned advocate for the applicant submitted that the claim of Abdul Kalam was to be considered and he also submitted that Mohammed Javed was not a commerce graduate as observed in the judgment. He submitted that the applicant Abdul Kalam was commerce graduate and he wanted that his case should be considered for appointment on compassionate ground. Though, after perusing the judgment and the documents on record, we do not find that we have committed any error except our observation in the judgment that Mohammed Javed is a commerce graduate. It is true that Mohammed Javed is not a commerce graduate but Abdul Kalam is a commerce graduate. However that does not affect the

judgment except that the person who wants to be appointed on compassionate ground is Abdul Kalam who is a commerce graduate. Therefore, the only portion which requires to be considered in the O.A was whether the commerce graduate was Abdul Kalam or Mohammed Javed. Admittedly Mohammed Javed was not a commerce graduate and therefore, though his representation Annexure A-3 has been considered by the respondents as directed by us, we find some substance in the review application to the extent that Abdul Kalam's case requires to be considered. Hence if he makes representation on the ground that he being a commerce graduate and looking to and financial condition etc. the extent of his family he should be considered for appointment on compassionate ground, the respondents

may consider his representation. The only review in the judgment allowed is to the above extent namely giving an opportunity to Abdul Kalam to make representation for compassionate appointment. Mr. Shelat concedes that no other heirs of the deceased except Abdul Kalam, will make any application for appointment of compassionate ground. If Abdul Kalam makes representation for compassionate appointment the respondents may consider his representation sympathetically. Review Application is disposed of accordingly. M.A and R.A are disposed of as above. No orders as to costs.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

R.C. Bhatt
(R.C. Bhatt)
Member (J)

vtc.