

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No. 62 of 1991  
~~T.A. No.~~



DATE OF DECISION 20.4.1992

Shri Butalal Naranbhai Chavda Petitioner

Shri P.H. Pathak Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri Akil Kureshi Advocate for the Respondent(s)

CORAM :


The Hon'ble Mr. R.C. Bhatt

: Member (J)

The Hon'ble Mr.

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 ?

Shri Butalal Naranbhai Chavda,  
C/o, Jayaben Naranbhai Chavda,  
Lt. Postman Gadhada,  
At Ningala,  
Bhavnagar.

 : Applicant

(Advocate : Shri P.H. Pathak)

VS.

1. Union of India, through  
Chief Postmaster General,  
Gujarat Circle,  
Navrangpura,  
Ahmedabad.

2. Asstt. Director,  
Postal Service,  
C/o Postmaster General,  
Rajkot Region,  
Rajkot.

: Respondents

(Advocate : Shri Akil Kureshi)

O R A L - O R D E R

O.A. No. 62 of 1991

Date : 20.4.1992

Per : Hon'ble Shri R.C. Bhatt

: Member (J)

ms Heard Shri P.H.Pathak, learned advocate for the applicant and Shri Akil Kureshi, learned advocate for the respondents. This application under Section 19 of the Administrative Tribunals Act, 1985, is filed by one Butalal N. Chavda seeking relief that the impugned order of the respondent no. 2 rejecting the request of the applicant to appoint him on compassionate ground should be quashed and the respondents be directed to give compassionate appointment to the applicant. The respondents

have resisted this application by filing reply contending inter alia that the elder brother of the applicant, Shri Rajeshkumar N. Chavda, is working as Primary Teacher with monthly income of Rs.1705/- and the mother of the applicant i.e., widow of late Shri B.N. Chavda, is getting family pension etc. It is contended that the scheme for appointment on compassionate ground is made to help the family of the dependents of the Government Servant dieing in harness where there is no earning member in the family. There are other contentions also taken in the reply by the respondents. The applicant has filed rejoinder controverting the contentions of the respondents. He has stated in his rejoinder that his brother is <sup>not</sup> residing since long with the family and that his brother is residing in a village separate from the family and has stated that the applicant deserves appointment on compassionate ground.

2. Learned advocate for the applicant submitted that the impugned order, annexure A/1, dated 20.1.1990 passed by respondent no.2, Assistant Director General, Postal Service, Rajkot, does not show that the application of the applicant of November 1989 was rejected on the ground that the applicant's brother was serving as Primary Teacher. He submitted that from the impugned order, one cannot even know that the application of the applicant



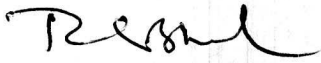
was rejected on the ground that his brother was serving. Learned advocate for the respondents submitted that the respondents have in their reply in detail contended that the applicant's brother, Shri Rajeshkumar, is serving as Primary Teacher and that the applicant's mother is also getting family pension. He submitted that the applicant has also not given the details in his application about the factum that no member in his family is earning and also that his brother, Shri Rajeshkumar, resides separate from the family. Thus it appears that the application of the applicant is also not a complete application giving all the details about the members of the family, income of the family, the fact as to whether Rajeshkumar resides separately, and the impugned order is also silent on this point. The impugned order requires to be quashed, because, though in the reply the respondents have stated that the application of the applicant could not be granted for the reason that his brother Rajeshkumar is serving as Primary Teacher etc., the same is not found in the order. Therefore, this is a fit case in which opportunity should be given to the applicant to make fresh representation giving all the details as to why he wants compassionate appointment. The respondents may consider the representation that may be made by the applicant and then dispose of the same according to the Rules applicable. There is no dispute

on the point that the applicant's father died in harness. 9

Hence the following order :-

O R D E R

The application is partly allowed. The impugned order, annexure A/1, dated 20.1.1990 passed by respondent no.2 is quashed. The applicant is directed to make fresh representation giving full details as to how he seeks his appointment on compassionate ground. The applicant to make such representation within two weeks from [redacted] day. The respondents to dispose of the said representation received by them within three months, according to the Rules applicable to the applicant with sympathetic approach. The application is disposed of accordingly. No order as to costs.

  
(R.C. Bhatt)  
Member (J)

\*Ani.