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CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O. A. NO. 14 OF 1992
~~Case No.~~

DATE OF DECISION 13-9-1995.

Jitendrasinh Narubha Wadher, Petitioner

Mr. M.D. Rana Advocate for the Petitioner (s)

Versus

The Union of India & Ors. Respondents

Mr. Akil Kureishi, Advocate for the Respondent (s)

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The Hon'ble Mr. V. Radhakrishnan, Admn. Member.

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 ?

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Jitendrasinh Narubha Wadher,
residing at Jamnavad Road,
Housing Board Colony, Dhoraji,
District: Rajkot.

..... Applicant.

(Advocate: Mr. M.D. Rana)
Versus.

The Union of India,
notice to be served through
the Ministry of Communication,
Dak-Tar Bhavan, New Delhi.

2. The Post Master General,
Ashram Road, Ahmedabad.

..... Respondents.

(Advocate: Mr. Akil Kureshi)

ORAL ORDER

O.A. No. 14 OF 1992

Date: 13-9-1995.

Per: Hon'ble Mr. V. Radhakrishnan, Admn. Member.

1. The applicant was working as Postman with the respondents who expired on 15th December, 1986 leaving behind a big family without any support. Subsequently the widow made an application for compassionate appointment for her son who is the present applicant. Her request was rejected by the respondents vide its letter dated 25.1.1988, Annexure A-2.

2. Mr. Rana for the applicant contends that before rejecting the application the respondents had not taken into account the economic condition of the family as no reason has been stated in the rejection letter. He has produced the guidelines issued by the department, according to which whenever any employee dies in service his dependent can be considered for compassionate appointment. Keeping in view the

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financial condition of the family the applicant could have been considered for compassionate appointment.

3. Mr. Kureshi on the other hand points out that the request of the applicant was duly considered taking into account such circumstances regarding financial condition of the family including the fact that there are earning members in the family viz; two sons of the ex employee are working as casual labourers and the fact that the widow had received DCRG and other benefits amounting Rs. 60,000/- and she is in receipt of family pension of Rs. 430/- per month. Mr. Rana states that both the sons who are employed are living separately and are not contributing to the expenses of the applicant and his other dependents of the family. According to him, the family is in a very critical condition economically as the amount received as DCRG has already been spent to the marriage of the daughter and the family pension is too meagre. He also states that since filing of this application no other member of the family has got any employment and therefore, the applicant is still continuing to be unemployed and his case requires reconsideration.

4. While it may be true that two of the sons of the ex employee are working, it has been asserted by the applicant that they are not contributing anything towards expenses of the family. It may not be proper to take only circumstances of the employment of these two sons for rejection of the applicant's request especially keeping in view the fact that they were employed even before the applicant died. The overall

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circumstances regarding the financial condition of the family will also have to be examined before taking a decision on the request. Moreover the family pension being received by the widow is not a big amount and moreover there are a large number of dependents in the family. Keeping in view the above observation we feel that this is a fit case for reconsideration of the applicant's request for compassionate appointment. Accordingly the respondents are directed to reconsider the case of the applicant for compassionate appointment in a suitable job after looking into the indigent condition of the family and other relevant factors and take a decision in the matter within a period of three months from the date of the receipt of this order and the applicant be informed regarding the decision within two weeks thereafter. With the above directions the application stands disposed of. No order as to costs.


(V. Radhakrishnan)
Member (A)

vtc.