

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 451/93
T.A. No.

DATE OF DECISION 20-10-1993

Shri Maheshkumar Falia Petitioner

Shri K.C. Bhatt Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

Shri Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel Vice Chairman.

The Hon'ble Mr. V. Radhakrishnan Member (A)

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 ?

Maheshkumar Maganlal Falia
 Bhagvanji Valji Building
 Stadium Plot, Dhoraji 360 410

Applicant

Advocate Shri K.C. Bhatt

Versus

1. Union of India through
 The Director General,
 Department of Posts
 Ministry of Communication
 Dak Bhavan, Sansad Marg,
 New Delhi.

2. The Chief Postmaster General,
 Gujarat Circle
 Ahmedabad.

3. The Postmaster General
 Rajkot Region, Rajkot.

Respondents

Advocate Shri Akil Kureshi

O R A L J U D G E M E N T

In

O.A. 451 of 1993

Date: 20-10-1993.

Per Hon'ble Shri N.B.Patel

Vice Chairman.

The applicant's application or representation for compassionate appointment after the death of his father, who was an employee of the Postal Department, has been rejected by the impugned order dated 16-6-1993 on the only ground that there are three earning members in the family of the applicant and hence the applicant is not eligible for appointment on relaxation of Rules. According to the applicant, it is true that he has three

brothers but all the three of them are not employed. The applicant states that his brother Subhash, who is not married, was earlier plying somebody else's Rickshaw for hire and was earning meagre amount from that work. He has stated that ^{his} other brother Suresh is married and has ^{his} wife and two children to maintain out of his salary from his service as a Class IV employee of Telegraph Office, Junagadh. He further states that ^{his} his third brother Ramesh is also married and has ^{his} wife and one child to maintain and he works as Class IV employee in Junagadh Municipality and he is not in a position to spare anything for the maintenance of the applicant and his brother Subhash who is now unemployed. It appears that the impunged order has not dealt with the version of the applicant that his two brothers, who are earning, cannot render any monetary help to him. It requires to be considered whether these two brothers, who are residing at Junagadh and have their own families, can be considered to be the members of the family of the applicant who resides at Dhoraji. As against these factors, which are required to be considered as factors favourable to the applicant, it was rightly pointed out by Mr. Kureshi that the applicant himself gets a family pension of Rs. 1274/- and he will continue to get the same till 14-5-1995. This factor, is of course, to be taken into consideration, the respondents while considering the request of the applicant for compassionate appointment. Since all the relevant factors do not appear to have been taken into consideration, the

to be re-examined by the respondents. Mr. Bhatt states that the applicant will make a fresh representation stating all the aforesaid relevant factors within 15 days hereof. If the applicant makes a fresh representation within the said period, the respondent no.2 is directed to consider the said representation of the applicant bearing in mind all the relevant factors and also the relevant provisions governing the grant of compassionate appointment. The respondent no.2 shall decide the representation within a period of six weeks from the date of the receipt of the representation from applicant. He is also directed to communicate his decision with ^{the} brief reasons therefor to the applicant within ~~seven~~ days of taking ^{the} decision.

2. In view of these directions, Mr. Bhatt seeks permission to withdraw the application. Permission granted, with liberty to the applicant to approach the Tribunal again, if so desired by him, in the event of his feeling aggrieved by the decision that may be taken by the respondent no.2. No order as to costs.


(V. Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman.

*AS.

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

Application No. OA/451/93 of 199

Transfer Application No. _____ Old Writ Pet. No. _____

C E R T I F I C A T E

Certified that no further action is required to be taken
and the case is fit for consignment to the ~~Record Room~~ (Decided).

Dated : 28/10/93

Counter ^{dated} : Amrit 11.11.93
Section Officer/Court Officer

Sign. of the Dealing Assistant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT AHMEDABAD BENCH

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NAMES OF THE PARTIES M. M. Faria

VERSUS

4-0-2-803

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