

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 127 OF 1993.

E.A. No.

DATE OF DECISION 28-9-1993

Taraben & Ors. Petitioner s

Mr. B.S. Suphia, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent s

Mr. Akil Kureshi, 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 ? ✗

1. Taraben widow of late
Shri Govindbhai Barot.
2. Rajendrabhai, son of
late Shri Govindbhai Barot.

Both residing at 19, Tirupati
Society, Behind Lucky Park,
Modhera Road, Mehsana.

.... Applicants.

(Advocate: Mr.B.S. Suphia)

Versus.

1. Union of India, through
General Manager,
Telecommunications,
Gujarat Circle, Ahmedabad.
2. Government of India, through
The Assistant Director General (STN)
Deptt. of Telecommunications,
Sanchar Bhavan,
New Delhi.

..... Respondents.

(Advocate: Mr. Akil Kureshi)

ORAL ORDER

O.A.No. 127/1993

Date: 28-9-1993.

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

Heard Mr.B.S.Suphia, learned advocate for the
applicants and Mr. Akil Kureshi, learned advocate for the
respondents.

2. This application is made by the widow and the
son of the late Shri Govindbhai Barot, for giving
appointment to applicant No.2 i.e., Rajendrabhai, as
compassionate appointment. It is the case of the
applicants pleaded in the application that the
applicant No.1 is a widow and applicant No.2 is a son
of the deceased Govindbhai Barot, who expired on

..... 3/-

3. The respondents have filed detailed reply taking several contentions and they have also produced at Annexure R-6, the ultimate decision of the Chief General Manager, Telecom dated 2.8.92 by which the application of the applicant No.2 for compassionate appointment was rejected on the grounds mentioned therein.

4. The applicants have filed rejoinder contending that Pravinbhai has started practice as an advocate but he does not earn anything and that the applicants are prepared to accept the appointment for him if the department has no objection for the same. It is also mentioned in the affidavit-in-rejoinder by the applicant No.1 that if the Tribunal feels ^{it} necessary to apply afresh for such appointment, ^{she} would ask Pravinbhai to apply for appointment in place of her third son Rajendrabhai, but the family requires some help immediately.

5. We have heard learned advocates. ^{we} do not discuss about the income or the savings shown by the applicant in her application and rejoinder nor we refer to the said items explained by the respondents in the reply. However, in our opinion, if Pravinbhai who wants to sacrifice ^{his} life ^{as} a practicing advocate

in order to help the family wants a compassionate appointment, there is no reason why the respondents should not consider according to rules, if such application is made by Pravinbhai to the respondents. However, we make it very clear that if after this order Pravinbhai does not make an application for his compassionate appointment or even after making the application if he does not want that appointment, if ~~made~~ ^{given or} ~~made~~, he drops idea of prosecuting his case further before the respondents, ^{none} of the applicants or the family of the applicants would be then entitled to ask for compassionate appointment in future. We, therefore, dispose of this application as under:

ORDER

- (i) The applicant No.1's son Pravinbhai is at liberty to make an application to the Chief General Manager, Telecom Department seeking his appointment on compassionate ground giving full details about the circumstances under which he seeks appointment ~~k~~.
- (ii) Pravinbhai should make such application in details within 20 days from today to the Chief General Manager, Telecom Department.

(iii) On receiving such application from Pravinbhai, the competent authority of the respondents should consider on merits according to the Government policy and rules about the compassionate appointment without raising the issue about the delay or age limit and decide such representation of Pravinbhai within four months from the receipt of such representation and should intimate the result of the decision to Pravinbhai. If Pravinbhai feels aggrieved by such decision, he is entitled to approach this Tribunal according to rules.

6. Application is disposed of accordingly. No order as to costs.



M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

R.C. Bhatt

(R.C. Bhatt)
Member (J)

vtc.

Date	Office Report	ORDER
9/6/94		<p data-bbox="746 379 943 421"><u>M.A.294/94</u></p> <p data-bbox="612 494 1544 794">M.A.294/94 for extention of time.M.A. allowed. Time is granted upto 31/7/94 for implementation of the judgment of the Tribunal. No further time will be given. M.A. stands disposed of accordingly.</p> <div data-bbox="603 847 1029 1052">  (Dr.R.K.Saxena) Member (J) </div> <div data-bbox="1157 889 1471 1052">  (V.Radhakrishnan) Member (A) </div> <p data-bbox="639 1179 719 1210">*ssh</p>

INDEX SHEET

CAUSE TITLE

QA/127/93

OF 19

NAMES OF THE PARTIES

NAMES OF THE PARTIES Mrs. Taraben G Barot & Anr.

VERSUS

40.28 m

[illegible]