

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

**O.A. No. 127 OF 1993.**  
**ExxNo.**

**DATE OF DECISION** 28-9-1993

Taraben & Ors. **Petitioner s**

Mr. B.S. Supehia, **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, Admin. 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. Supehia)

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. Supehia, 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, a *.....* 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/-

29th September, 1990 living behind him the applicant No.1, applicant No.2 and two other sons Ashwinbhai and Pravinbhai. It is the case of the applicants that Ashwinbhai is married and is living separately and is staying at Ahmedabad. According to the applicants, Pravinbhai is also married and has his family and that applicant No.1 has to look after the members of the family of Pravinbhai and Rajendrabhai both who reside with the applicant No.1. The applicants have alleged in the application that formally, the applicant was ~~such~~ *re f* *tim* *re L* submitted for compassionate appointment ~~was made~~ by the applicant No.1 and all the details were furnished by the applicant No.2. Ultimately, the applicants received the letter dated 26th August, 1992 vide Annexure A-6 that the case has been duly considered, but has been rejected by the Department of Telecom, New Delhi. Therefore, the applicant No.2 again wrote a letter Annexure A-7 to which the reply Annexure A-8 dated 27th November, 1992 from the Office of the Chief General Manager, Telecom, Gujarat Circle, Ahmedabad was that the Chief General Manager, Telecom was not empower to review the case. According to the applicants, no reasons have been assigned either in the letters Annexure A-6 or A-8.

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~~ 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  
~~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:

O R D E R

(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 ~~is~~.

(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)

Prash

(R.C.Bhatt)  
Member (J)

vtc.

Date	Office Report	ORDER
9/6/94		<p><u>M.A.294/94</u></p> <p>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> <p> (Dr. R.K. Saxena) Member (J)</p> <p> (V. Radhakrishnan) Member (A)</p> <p>*ssh</p>

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AT AHMEDABAD BENCH

## INDEX SHEET

**CAUSE TITLE**

QA 127 93

OF 19

NAME OF THE PARTIES

Mrs. Taroben & Barot & Anx.

## VERSUS

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