

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No./548/93
T.A. No.

DATE OF DECISION 01/10/1993

Jaymahesh Krishnalal Dave Petitioner

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

Versus

Union of India & others Respondent

Mr.Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt : Member (J)

The Hon'ble Mr.M.R.Kolhatkar : 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 ? ✓

Jaymahesh Krishnalal Dave,
Adult,
Jinapara Street-13,
Wankaner-363 621

..Applicant

Advocate : Mr.K.C.Bhatt

versus

1. The Union of India , through,
The Director General,
Department of Posts,
Ministry of Communication,
Dak Bhavan,
Sansad Marg,
NEW DELHI
2. The Chief Post Master-General,
Gujarat Circle,
AHMEDABAD
3. The Post Master General,
Rajkot Region,
RAJKOT
4. The Superintendent of Post Offices,
Jammagar Division,
JAMNAGAR

.. Respondents

Advocate : Mr.Akil Kureshi

O R A L O R D E R

O.A./548/93

Date: 01/10/1993

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

Mr.K.C.Bhatt ,learned advocate for
the applicant. Mr.Akil Kureshi waives notice and appearsⁿ
for the respondents.

2. This application is filed under
section 19 of the Administrative Tribunals Act by the
applicant who is the son of deceased Krishnalal Jayshankar
Dave for compassionate appointment. The deceased who
was serving with the Postal Department expired in harness

at the age of 29 years leaving behind him his widow, ^{and}
the present applicant, who was ~~2~~ 2 years [~] then. The
mother of this applicant ^{~ i.e} widow of deceased was pregnant
at that time and she gave ^{~ birth} / to female child Shobhna
after the death of deceased Krishnalal. It is the case
of the applicant that the family of the applicant
consisting of himself, his mother and his sister are in
dire need of maintenance and therefore, compassionate
appointment is sought by the applicant. It is mentioned
in the application that the mother of the applicant
received Rs.2450/- as DCRG and family pension is Rs-120/-pm.
at that time, which is now Rs.530/-pm. The impugned order
is produced by the applicant at Annexure A-11, dated
23/12/1992 by which the application for compassionate
appointment by the applicant was rejected by respondents
on the ground that his case cannot be considered as a
fit case for compassionate appointment in relaxation
of rules. The respondent no.1. has in this order not
considered the factors like size of the family of the
deceased, their monthly income and their living conditions.
The impugned order Annexure- A-11, therefore, suffers [~]
from this vice of non- application of mind to these
factors. Thus, we would like to dispose of this application
finally today by giving suitable directions as under.

3. The applicant may either give
supplementary representation about his compassionate
appointment by giving details as to how the family is
maintained after the death of his father till he attained
the age of majority and what is the present income of
the family and size of family or he may produce such

evidence to justify the compassionate appointment before the respondent no.1. The respondent no.1. on receiving the representation, if filed to consider the points which we have mentioned above and if the applicant is found eligible for the compassionate appointment according to his qualifications, he may be given an appointment. The applicant if he desires to give any additional representation, he may do so within two weeks from today and also to produce evidence before the respondent no.1. to justify his request for compassionate appointment. The respondent no.1. to dispose of such representation received within 3 months by passing a speaking order and to intimate the result of the same to the applicant. If the applicant feels aggrieved by the order of the respondent no.1. , he would be at liberty to approach before this Tribunal according to the rules. The application is disposed of accordingly.

M.R. Kolhatkar

(M.R.KOLHATKAR)
Member (A)

R.C. Bhatt

(R.C.BHATT)
Member (J)

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