

CENTRAL ADMINISTRATIVE TRIBUNAL

~~*PRINCIPAL BENCH, DELHI*~~
AHMEDABAD BENCH

O.A No. 697 OF 1993 ~~198~~
~~*A.N.O.*~~

DATE OF DECISION 31-3-1994

Bai Revaben, _____ Petitioner

Mr. P.K. Handa, _____ Advocate for the Petitioner (9)

Versus

Union of India & Ors. _____ Respondents

Mr. N.S. Shevde, _____ Advocate for the Respondent(s)

CORAM .

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

The Hon'ble Mr.

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 ?

Bai Revaben, widow of
Late Shri Bhimabhai Nathabhai
Ex. SPA under Eléc. Chorgeman,
Godhra, Kumbhar Wada,
Kadi Falia, Godhra.

.... Applicant.

(Advocate: Mr. P.K. Handa)

Versus

1. Union of India,
Ministry of Railways,
Owning and represented by
The General Manager,
Western Railway, Bombay.
2. Divisional Railway Manager(E),
Western Railway,
Baroda.

.... Respondents.

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A.No. 697 OF 1993

Date: 31-3-1994

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

Heard Mr. P.K. Handa, learned advocate for the applicant and Mr. N.S. Shevde, learned advocate for the respondents.

2. The applicant is the widow of late Shri Bhimabhai Nathabhai, who was working as Pump Attendant in Western Railway, Godhra and who died in harness on 2.7.1981. Immediately after his death, his widow made an application for compassionate appointment for her son, who was 13 years old at that time. The applicant had made an application on 7.8.1981, Annexure A-2 and another application on 22.2.1982, Annexure A-3. The respondents

..... 3/-

replied vide letter dated 13.3.1982, Ann. A-7 that:

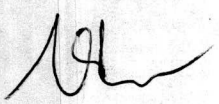
"In reference to your application please submit the following documents.

(i) Death certificate of your late husband.

(ii) Bio data of your son.

The name is registered, you may apply on attaining the majority by your son. The matter will be considered."


3. The applicant's contention is that she made another application on 3.3.1986, Annexure A-6 and again another application on 3.2.1988. Her application was rejected on the ground that it was time barred according to the respondents. This contention is challenged by the applicant. Mr. Handa for the applicant submits that the widow had applied immediately after the death of her husband and another application was also given as soon as the son attained majority. Mr. Shevde for the respondents, on the other hand, pointed out that as per records, the applications of applicant dated 3.3.86 and 3.2.88 were not available. Mr. Handa pointed out that as per the Western Railway Employees Union letter dated 17.1.90 attached with the rejoinder the applicant's request was rejected by DRM(E) BRC's letter No. E 890/1/Misc. dated 20.8.88. Hence the respondents' contention that they never received the letter of the applicant dated 3.3.86 or 3.2.88 is not acceptable. From the perusal of the case, it appears that the applicant's request for compassionate



appointment was infact registered by the respondents in August 1982 and in view of this fact the request should have been considered on merits when the applicant made repeated requests on 3.3.86 and 3.2.88. It would however, appear that the applications were rejected on technical ground of being time barred for its effect it was also its claim for compassionate appointment was registered with them with the respondents and he had renewed his request when he attained majority. The purpose of compassionate appointment is defeated if the request is not considered immediately on merits. The applicant's financial condition is a relevant factor to decide the case as per the orders. Accordingly, the application deserves consideration on merits taking into account the financial condition of the family and eligibility of the applicant for the post suitable for him. Accordingly application is disposed of with the following directions:


O R D E R

Application is partly allowed. The respondent No.2 to treat this O.A of the applicant as application for compassionate appointment and to consider and decide the request on merits keeping in view the above factors mentioned for a suitable post within three months from






the date of the receipt of this order and to communicate the decision to the applicant within a week thereafter.

In case the applicant feels aggrieved by the decision of the respondent No.2 he may so if so advised take recourse to legal action. Application stands disposed of accordingly. No order as to costs.


(V. Radhakrishnan)
Member(A)

vtc.

Date	Office Report	ORDER
25-7-94		<p>Copy of the M.A. seems to have been furnished to Mr. Handa, who is not present. After going through the M.A., we find that this is a fit case where some extension of time to comply with our order deserves to be given. M.A. allowed. Extension granted till 30th September, 1994. No further extension will be given. M.A. stands disposed of accordingly. No order as to costs.</p> <p> (V. Radhakrishnan) Member (A)</p> <p> (N.B. Patel) Vice Chairman</p> <p>vtc.</p> <p><u>MA / 543 / 94 in O.A. 697 / 93</u></p>
14.11.94		<p>Neither the counsel for the applicant, nor the counsel for the respondents is present. However, M.A. allowed. Extension for compliance of our order is given up to 30.12.94. M.A. stands disposed of accordingly.</p> <p> (K. Ramamoorthy) Member (A)</p> <p>npm</p>