

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

X0XXXXX0X
T. A No. 271/87

198

DATE OF DECISION 10.7.1991

Shri R.S. Ahir _____ Petitioner

Mr.S. Hussain _____ Advocate for the Petitioner (s)

Versus

Union of India & Others _____ Respondent

Mr.P.N. Chandurkar _____ Advocate for the Respondent(s)

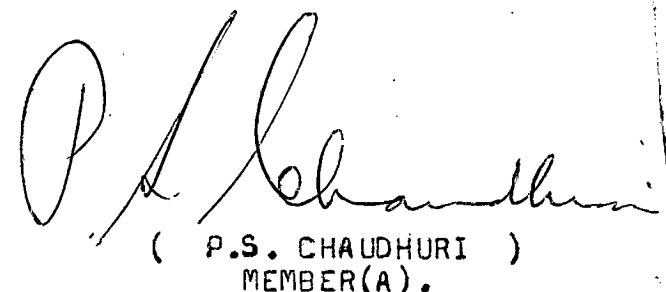
CORAM

The Hon'ble Mr. JUSTICE U.C. SRIVASTAVA, VICE CHAIRMAN

The Hon'ble Mr. P.S. CHAUDHURI, MEMBER (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether in needs to be circulated to other Benches of the Tribunal ?

} No



(P.S. CHAUDHURI)
MEMBER(A).

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

CAMP AT NAGPUR

TR.APPLICATION NO.271/87.

(N)

Ramawatar Sampat Ahir,
Shantinagar, Housing Board
Colony Quarters No.172,
Post : Nayapura, Itwari,
Tehsil & District NAGPUR.

.. Applicant.

V/s.

1. The Union of India, through
The General Manager,
South Eastern Railway,
Garden Reach,
Calcutta - 700 043.
2. The Divisional Railway Manager,
South Eastern Railway,
Nagpur.

.. Respondents.

Coram : Hon'ble Shri Justice U.C. Srivastava, Vice Chairman
Hon'ble Shri P.S. Chaudhuri, Member (A).

Appearances:

Mr.S. Hussain, Advocate
for the applicant and
Mr.P.N. Chandurkar, Advocate
for the respondents.

ORAL JUDGMENT

DATED: 10.7.1991.

¶ Per : Hon'ble Shri P.S. Chaudhuri, Member (A) ¶

This application has come to the Tribunal by way of transfer under Section 29 of the Administrative Tribunals Act, 1985 from the Nagpur Bench of the Bombay High Court in terms of its order dated 21.10.1986 on Writ Petition No. 1383/83 which was filed before it on 26.5.1983. In it the applicant who is a retired Yard Foreman from South Eastern Railway is seeking compassionate appointment for his son.

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2. On 3.2.1976 the applicant was declared medically unfit for the medical category A3 required for the post of Yard Foreman. He was, however, declared fit for medical category C1. The applicant was not willing to accept the alternative appointment in the post of Roster Clerk in this latter category for which he was found suitable and so he proceeded on voluntary retirement on 28.12.1976 instead of his normal date of superannuation of 30.6.1977.

3. Even before his retirement he had started seeking employment for one of his sons Shambhoonath who had passed B.A. (Part-I). It may be noted here that in one of his applications, dated 3.6.1977, the applicant mentioned that Shambhoonath was aged 21 years and so Shambhoonath must now be about 35 years of age. Being unsuccessful in this attempt he then started agitating for appointment of another son Gopal who had appeared in the Supplementary Matriculation Examination in 1979-80. The learned counsel for the applicant explained that this has become necessary as Shambhoonath was no longer maintaining the applicant's family. The applicant's application dated 10.12.1980 says that Gopal was then aged 19 years and so Gopal, too, now is about 30 years of age.

4. The entire scheme of compassionate appointment is meant to help the family of a Government servant who find themselves in need of support due to the untimely death or incapacitation of the bread earner of the family. Nothing

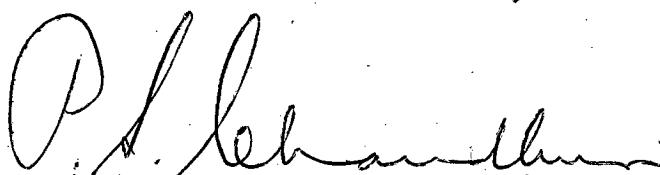
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of the sort can be said to be applicable in this case as the applicant over 15 years ~~retired~~ ago and even the son for whom he was seeking compassionate appointment is now about 30 years of age.

5. In this view of the matter, we see no merit in this application as such and are of the opinion that it merits dismissal. However, it is always open to the respondents to consider the request of the applicant in accordance with the rules on the basis of any application made by him.

6. This transferred application is accordingly dismissed but with no order as to costs.



(P.S. CHAUDHURI)
MEMBER (A).



(U.C. SRIVASTAVA)
VICE CHAIRMAN.