

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 783/87

~~Transfer for Application~~
~~XXXXXXXXXXXX~~

DATE OF DECISION: 22.6.94

Maruti Motram Petitioner
Kishor Maruti Gadkari

Shri G.S.Walia Advocate for the Petitioners

Versus

Union of India and others
----- Respondent

Shri J.G. Sawant Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri **Justice M.S. Deshpande, Vice Chairman**

The Hon'ble Shri

1. To be referred to the Reporter or not ? *no*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *no*


(M.S. Deshpande)
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(16)

Original Application No. 783/87

Maruti Motram

Kishor Maruti Gadkari

... Applicants.

V/s.

Union of India through
General Manager,
Central Railway,
Bombay V.T.

General Manager,
Central Railway,
Bombay VT.

Divisional Railway Manager
Central Railway, Bombay VT.

Senior Commandant,
Railway Protection Force,
Central Railway,
Bombay VT.

... Respondents.

CORAM: Hon'ble Shri Justice M.S. Deshpande, Vice Chairman.

Appearance:

Shri G.S. Walia, counsel
for the applicant.

Shri J.G. Sawant, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 22.6.94

¶ Per Shri M.S. Deshpande, Vice Chairman¶

This is an application for compassionate appointment for the 2nd applicant who is the son of first applicant.

2. The first applicant was a Railway Employee. He had suffered from paralytic stroke and by letter dated 20.10.86 he was declared unfit for Railway service with effect from 6.10.86. An application was made by the applicant for getting compassionate appointment for the 2nd applicant, who was 19 years old at the time of filing the present application. By order dated 5.1.87 the applicant was directed to vacate the Railway quarters which they were occupying first. The Railway quarter came to be vacated in 1988.

The application for compassionate appointment came to be rejected on 20.1.88. From the reply filed by the respondents it is clear that 2nd applicant was called to attend the DRM's office on 15.5.87 for an interview and he was asked to come again after declaration of S.S.C. result. The 2nd applicant was called by Departmental Recruitment Committee to adjudge his suitability as Constable/Water Carrier Grade, but he was not found suitable, hence he was rejected. The 2nd applicant's case was again considered and was pursued and called for an interview on 6.1.88 by letter dated 22.8.88.

3. No rejoinder is filed in respect of the contention raised in the written statement filed on 29.8.88. The applicant ^{cannot} was not in a position to state that whether the 2nd applicant appeared for suitability test as required on 6.9.88 and what was the result.

4. This is not a case where the respondents can be said to be guilty of in-action. The present application was filed in 1987 and seven years have passed since the filing of the application. The applicant's grievance ^{may not} still continue ^{as there is nothing to show that} that the 2nd applicant was not able to get ^a suitable employment.

5. In view of the facts I see no merit in this application, the same is dismissed.


(M.S. Deshpande)
Vice Chairman