

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

[REDACTED]
NEW BOMBAY BENCHO.A. No. 405/88
~~XXXXXX~~

198

DATE OF DECISION 25.9.1989Shri Raju Shejwal PetitionerAdvocate for the Petitioner(s)

Versus


Post Master General, Mah. Circle, Bombay RespondentMr. S.R. Atre for Mr. P.M. Pradhan Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.B. Mujumdar, Member (J)

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? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA.No. 405/88

Shri Raju Shejwal
At Vadki, Post Fursungi,
Tal. Haveli, Dist. Pune.

... Applicant

V/s.

Post Master General,
Maharashtra Circle, Bombay,
G.P.O. Building, Bombay.

... Respondent

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri P.S.Chaudhuri

Appearance:

Mr.S.R.Tambe
for the applicant.

Mr.S.R.Atre
for Mr.P.M.Pradhan
Advocate
for the Respondent

ORAL JUDGMENT

Dated: 25.9.1989

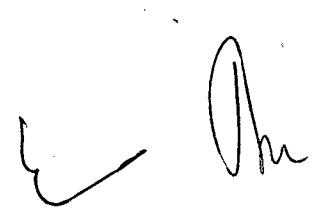
(PER: M.B.Mujumdar, Member (J))

The applicant's father Nivrutti Tukaram Shejwal retired voluntarily on medical ground as Postman with effect from 14.3.1985. He was 54 at that time. Thereafter on 4.4.1985 the applicant applied for appointment on compassionate ground. But that application was rejected on 21.10.1986. The applicant's father had also applied more than once for giving employment to the applicant on compassionate ground. But those applications were not replied to. On 13.1.1988 the father had filed OA.No. 71/88 for giving employment to his son, i.e. the applicant, on compassionate ground. But that application was rejected on 5.4.1988 observing that the son may, if he so chooses, file a separate application and it will be decided on its own merits. That is how the son, i.e. the applicant, has filed this application on 31.5.1988 praying that he should be given employment in the Postal Department in Group 'D' cadre on compassionate ground by relaxing the Recruitment Rules. The respondents have resisted the application by filing their written statement on 21.10.1988.


2. We have heard Mr.S.R.Tambe who has retired as Head Sorter from the Postal Department itself. We have heard him at the request of the applicant. Mr. Tambe has narrated all the facts before us correctly and argued the case well. We may point out that on the last date i.e. on 21.9.1989 the case was adjourned to today by consent of Mr.V.K.Pradhan, learned advocate for the applicant and Mr.S.R.Atre for Mr.P.M.Pradhan, learned advocate for the respondents. As Mr.V.K.Pradhan could not come to the Tribunal today, we have heard Mr. Tambe. We also heard Mr.S.R.Atre for Mr.P.M.Pradhan, learned advocate for the respondents.

3. We may point out that the applicant's father Nivrutti received Rs.6,233.05 as DCRG and Rs.12,000/- as General Provident Fund after his retirement. He is also getting a pension of Rs.400/- p.m. which is now increased to Rs.450/- p.m. The applicant is having an elder brother by name Lakshman who is about 28 or 29 years old. He is SSC and is now working as Postman and getting over Rs.1200 p.m. Hence, it cannot be said that the family of Nivrutti is in dire need of assistance. It is true that Nivrutti's wife and one daughter aged 14 are staying with him along with the applicant. But still his financial position is not so bad as to entitle his second son Raju, i.e. the applicant, to get employment on compassionate ground. It has to be remembered that if we direct the respondents to give employment to the applicant, it will be at the cost of somebody else who may be poorer than the applicant and more badly in need of employment.

4. It was submitted by Mr. Tambe that the applicant's elder brother is staying separately with his own family and not helping his father and other members of the family.



But this is not at all stated in the application or in the rejoinder. But even assuming this to be true, in our view this will not be a ground for giving employment to the applicant. Employment on compassionate ground is meant for helping the family of an employee who has retired on medical grounds or died while in service leaving his family in distress. As that is not the case in this case, we dismiss this application with no order as to costs.


(P.S. CHAUDHURI)
MEMBER (A)


(M.B. MUJUMDAR)
MEMBER (J)