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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
NEW BOMBAY 400614

ORIGINAL APPLICATION NO.713/88

Bhandari Pancham Mahato
House No.131, Pashan
Taluka Haveli
Pune 411023

.. Applicant

V/s.

1. Union of India
through Secretary
Ministry of Defence
New Delhi

2. National Defence Academy
through Commandant
PO. NDA Khadakwasla
Pune 411023

.. Respondents

Coram: Hon'ble Shri Justice U C Srivastava, V C
Hon'ble Shri M Y Priolkar, Member (A)

Coram:

Shri A. Shivade
Advocate
for the Applicant

Shri R K Shetty
Advocate
for the respondents

ORAL JUDGMENT
(PER: U C Srivastava, V.C.)

DATED: 1-5-1991

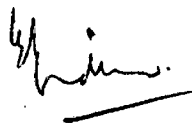
The father of the applicant was working in the National Defence Academy (NDA) as a Sweeper and expired on 6th July 1986 i.e., just 2 years before his superannuation retirement. The mother of the applicant had applied for compassionate appointment for her son. It appears that some information was called for for considering the compassionate appointment. It was admitted that one of her sons who was employed is staying separately for all purposes. The applicant was informed that the Department

is considering the appointment of the applicant on compassionate grounds and he worked for about 3 months. Thereafter he was not given any appointment and did not keep him in appointment. The applicant has challenged the same on the ground that as a matter of fact he is entitled for compassionate appointment as per rules. The matter was considered and it was found that the mother of the applicant is due to retire in July 1993 and is drawing her pay & in addition to which she is in receipt of family pension and it was under these circumstances the application was rejected.

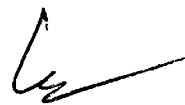
Learned counsel for the applicant made reference to Supreme Court decision in Smt. Sushma Gosain & others V. Union of India & others, SC 1976. Though the proposition laid down by Supreme Court ^{is} ~~are~~ based on different facts, the facts of the case before us are different. The facts in that case were that the applicant was a widow and had passed the Trade test, the rejection of application was in view of ban subsequently imposed on the appointment of ladies to post which denial of appointment was held arbitrary. In the present case the facts are different and a speaking order was passed taking into consideration the circumstances.

We do not find any ground for compassionate appointment in view of the speaking order passed. However, in view of the fact that the applicant was given three months appointment, it would be desirable that whenever a vacancy arises, the case of applicant may also be considered along with others for the same job or some other suitable post to which he may be found to be eligible.

With the above observations the application is rejected with no order as to costs.



(M Y Priolkar)
M(A)



(U C Srivastava)
V.C.