

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NExWxExLxx

NEW BOMBAY BENCH

O.A. No. 151/88

198

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DATE OF DECISION 8.6.88

Shri Ramhit Sitaram Yadav Petitioner

Shri M P Phanse Advocate for the Petitioner(s)

Versus

Union of India & 3 ors. Respondent

Shri P M Pradhan Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. J G Rajadhyaksha, Member (A)

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

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

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(4)

BEFOE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400614

O.A. NO. 151/88

Shri Ramhit Sitaram Yadav
Bhupat Bhavan, Room no.35
1st floor, Karwar Street
Bombay 400001

Applicant

v/s.

1. Union of India
New Delhi
2. Director General
Posts
Dak Tar Bhavan
Parliament Street
New Delhi
2. Controller of Foreign Mails
Videsh Dak Bhavan
Ballard Estate
Bombay 400038
4. Assistant Controller of Foreign Mails
Videsh Dak Bhavan
Ballard Estate
Bombay 400038

Respondents

Coram : Hon'ble Member(A) J G Rajadhyaksha
Hon'ble Member(J) M B Mujumdar

Appearance:

Shri M P Phanse
Advocate
for the Applicant

Shri P M Pradhan
Counsel
for the respondents

ORAL JUDGEMENT
(PER: M B MUJUMDAR, MEMBER[J])

DATED : 8.6.1988

We have heard Mr. Phanse, the learned advocate for the applicant and Mr. P M Pradhan, the learned counsel for the respondents on the point of admission. The applicant R S Yadav has filed this application under

section 19 of the Administrative Tribunals Act, 1985 for giving him employment on compassionate grounds as his father Sitaram has expired in 1973.

2. The relevant facts which we could gather from the application and during the course of arguments are these: Sitaram Yadav expired on 7.8.73 while he was working as Hamal in the Foreign Post Office at Ballard Pier, Bombay. He left behind a widow Jagapati, two sons Pruthwipal (aged 40 years) and the applicant Ramhit (aged 27 $\frac{1}{2}$ years) and a married daughter. Pruthwipal is married and having two sons and three daughters. He is cultivating in the family land sugar cane, wheat, rice, etc. The daughter is married and staying with her husband. The applicant has passed SSC examination and he was appointed as a casual labourer in October 1984. He was working as such till December 1987 in the respondents' organisation. On 22.2.1988 he has filed this application for giving him a regular employment in the respondents' organisation on compassionate grounds.

3. On 22.11.1984 the applicant's mother had made an application to the respondents for giving employment to the applicant. The applicant also made representations dated 9.4.1985, 21.10.85 and 6.8.86 for giving him employment on compassionate grounds. The request of the applicant was finally rejected on 23.12.1987 informing that the request was rejected by the Director General, Department of Posts, New Delhi. Being aggrieved by that reply the applicant has filed the present application.

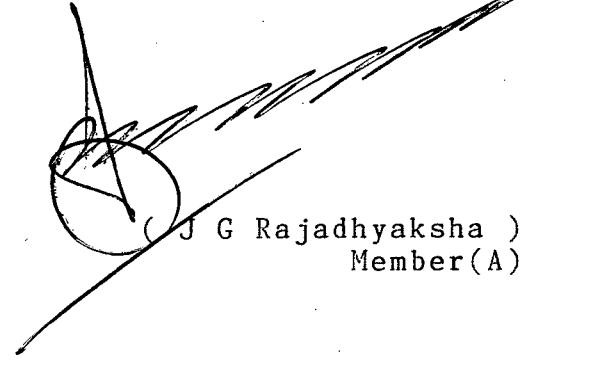
4. A copy of the rules regarding compassionate appointments is produced by the applicant at Exhibit A-10. The purpose of the scheme is to help a family of the deceased who dies in harness leaving his family in immediate need of assistance. From the facts stated above it is clear that the father of the applicant has died on 7.8.1973. The mother applied for the first time

to give employment to the applicant in 1984. The elder brother of the applicant is aged 40 years and is cultivating the family land. As already pointed out the applicant was given employment as casual labourer from 1984 to 1987. The applicant had attained majority in October 1978 but he did not feel it proper to ask for an employment on compassionate grounds within a reasonable period thereafter. It was in 1984 that the applicant's mother requested the authorities to give employment to the applicant.

5. Considering all the circumstances and the relevant rules, we do not think that the respondents were unjustified in refusing to give employment to the applicant on compassionate grounds.

6. We, therefore, find no merit in this application and hence reject the same summarily.


(M B Mujumdar)
Member (J)


(J G Rajadhyaksha)
Member (A)