

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 1021/96.

Date of Decision: 11.11.1997.

Smt. Vimalavati Ramchandran & Anr.

Applicants.

Shri S. P. Saxena,

Advocate for
Applicant.

Versus

Union Of India & Others.

Respondent(s)

Shri R. K. Shetty,


Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. B. S. Hegde, Member (J).

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- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?


(B.S. HEGDE)
MEMBER (J).

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 1021/96.

Dated this Tuesday, the 11th day of November, 1997.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

1. Smt. Vimalavati Ramchandran
W/o. Late G. Ramchandran.

2. Miss Shanti Ramchandran,
D/o. Late G. Ramchandran,

Both residing at :

45, Bombay-Poona Road,
Bopodi,
Pune - 411 003.

(By Advocate Shri S. P. Saxena)

VERSUS

1. Union Of India through
the Secretary,
Ministry Of Defence,
D.H.Q., P.O.,
New Delhi - 110 011.

2. Engineer-in-Chief,
Kashmir House, DHQ PO,
New Delhi - 110 011.

3. Commandant,
College of Military Engineering,
P.O., C.M.E.,
PUNE - 411 031.

(By Advocate Shri R. K. Shetty).

... Applicants

... Respondents.

: ORAL ORDER :

¶ PER.: SHRI B. S. HEGDE, MEMBER (J) ¶

Heard Shri S. P. Saxena for the applicants
and Shri R. K. Shetty for the respondents.

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2. In this O.A., the applicant no. 1 is seeking compassionate appointment to applicant no. 2, whose father died while in service at the age of 59 years. The applicant no. 2, who has passed 12th Standard, was called for a test alongwith other compassionate appointment candidates, the result of which has been published by the respondents and it is found that five people were called for the test, out of which four persons appeared but only two have been declared successful. The name of Applicant No. 2 was recommended to the Ministry, however, the Ministry considering the overall situation of the case, declined to accept the recommendations of the Command Office and rejected the request for compassionate appointment.

3. During the course of hearing, the learned counsel for the applicants submits that the applicant had not asked for any specific post and that she is inclined to accept Class-IV post if it is offered. So far as the present O.A. is concerned, it relates to rejection of the request for clerical post on compassionate ground and not the Class-IV post. In this connection, the learned counsel for the applicant draws my attention to the circular issued by the department vide dated June 30, 1987, wherein it is stated that - "departments are, however, competent to relax temporarily educational qualifications in the case of appointment at the lowest



level i.e. Group 'D' post or L.D.C. post, in exceptional circumstances, where the condition of the family is very hard, such relaxation will be permitted upto a period of two years beyond which no relaxation of educational qualification will be admissible and the services of the persons concerned if still unqualified, are liable to be terminated."


4. The respondents in their reply stated that the applicant no. 2 has only passed 10th Standard. Since the first applicant is drawing pension amounting to Rs. 2,000/- per month and her sons are well employed in the Police Department and she has received the DCRG amount of Rs. 27,600/-, it is sufficient for the first applicant and her daughter. Moreover, the applicant no. 2 is 25 years old. Therefore, the circular dated 30.06.1987 referred to above, in regard to relaxation, it is for the competent authority to relax the age, if he/she is otherwise found to be in merit for consideration. The Learned Counsel for the respondents submits that in view of the catena of decisions of the Supreme Court, it is not for the Tribunal to direct the respondents to consider the compassionate appointment, etc. Since the applicant did not come upto the merit, the rejection of the request for compassionate appointment cannot be faulted with.

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5. The Counsel for the applicant submits that at the time of appearing for the test, the applicant had only appeared for the 12th standard and thereafter, she passed the 12th standard, therefore, the applicant no. 2 is inclined to accept the Class-IV post if it is offered. That was not the issue before the competent authority at the time of consideration.

6. So far as the present O.A. is concerned, we do not find any merit in allowing the same. However, considering the facts and circumstances of the case, we direct the applicants to make suitable representation to the competent authority seeking group 'D' post in the respondents organisation. On receipt of such an application, the respondents may consider the same and pass an appropriate speaking order within a period of two months thereafter.

7. The O.A. is disposed of with the above directions. No order as to costs.


(B. S. HEGDE)
MEMBER (J).