

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 1061/1996

Date of Decision: 26.3.97

Smt. Vatsalabai Dadabhau Shelke Petitioner/s

Shri S.P. Kulkarni. Advocate for the
Petitioner/s

V/s.

Union of India and others. Respondent/s

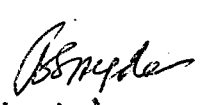
Shri R.R. Shetty for Advocate for the
Shri R.K. Shetty. Respondent/s

CORAM:

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

Hon'ble Shri

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


(B.S. Hegde)
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, BOMBAY:1

Original Application No. 1061/96

20th the Thursday day of March 1997.

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

Smt. Vatsalabai Dadabhau Shelke
W/o Dadabhau Kondiba Shelke
(missing husband)
T.No.5013 MMS/OFA Melter
Ordnance Factory, Ambernath
(missing since 10.12.1985)
Residing at :
Loni-Dhamni,
Tal. Ambegaon, District_Pune.

... Applicant.

By Advocate Shri S.P. Kulkarni.

V/s.

Union of India through
General Manager,
Ordnance Factory,
Indian Ordnance Factories,
Department of Defence
Production, Ministry of Defence,
Ordnance (Estate) P.O.
At P.O. Ambernath

Labour Officer,
Ordnance Factory
Ambernath, Ordnance Estate P.O.
Ordnance Estate, Ambernath,

... Respondents.

By Advocate Shri R.R.Shetty, for Shri R.K. Shetty.

ORDER

{ per Shri B.S. Hegde, Member(J) }

Heard counsel for the parties.

2. The short point for consideration is whether the rejection of the Competent Authority for compassionate appointment vide letter dated 5.6.96 is just and proper.

3. In this O.A. the applicant has prayed for a direction to the respondents to review the applicants' case for compassionate appointment within 2 months.

Shri

...2...

3. The husband of the applicant Shri D.K. Shelke was employed as Melter (skilled) in Ordnance Factory Ambarnath till his sudden reported disappearance with effect from 10.12.85. Consequent upon a report from the Police authorities that he remained untraceable, he has deemed to be dead with effect from 10.12.86, i.e. a year after his disappearance in terms of MofD No. A/38011/1/86-D(Est-I/GP II) dated 22.9.86 and accordingly this was notified in FO -II No.218 dated 3.3.88. It is a removal from duty to make retiral benefits to the legal heirs and the same has been paid to the present applicant and he has been paid family pension of Rs. 375/-. After receiving the family pension the present applicant has applied for compassionate appointment in 1988. The applicant's request for compassionate appointment is a delayed one and was considered after due enquiries into her pecuniary conditions and family circumstances. Since the applicant had a residential House of her own and about 4 acres of land (reportedly unfertile) and received a minimum pension of Rs. 375/- and DCRG. The respondents states that it is not a fit case for consideration for compassionate appointment and the applicant was informed accordingly on 25.6.88. Thereafter the applicant made several representations on 21.3.88, 30.4.91, 0.1.92, 19.12.95 etc. Since the applicant is not getting any reply, therefore, she filed this O.A. after a lapse of nearly 8 years.



4. The respondents in their reply urged that the petition is barred by limitation and the request for compassionate appointment was considered and rejected as back as 1988.

5. The learned counsel for the respondents has drawn my attention to Note 6 of compassionate appointment which reads as below:


" Note: If an employee dies while in service or is required on invalid pension and there is a ward below 18 years of age and who alone is available for employment, he should apply for a job as soon as he attains the age of 18 years. The persons below the age of 18 years should not be considered for appointment on compassionate grounds. The upper age limit may, however, be relaxed as hitherto as per the orders already existing on this subject."

In the instant case she herself has claimed for compassionate appointment, therefore the said note will not apply to the facts of this case.

6. The learned counsel for the applicant has drawn my attention to Note 7 regarding belated requests for compassionate appointments, that belated requests should be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family on the passing away of the Government servant in harness. The said note also will not apply to the facts of this case. The respondents as back as in 1988 has considered the case of the applicant.

BSK

7. In the light of the above I do not find any merit in the O.A. and the same is liable to be dismissed. Accordingly the O.A. is dismissed. No order as to costs.


(B.S. Hegde)
Member (J)

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