

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 265/1996.

Date of Decision: 2.8.96

Mrs. Shobha Damodar Kamble  
and Anr.

Petitioner/s

Shri K.K.V. Kurup

Advocate for the  
Petitioner/s

V/s.

Union of India & Ors.

Respondent/s

Shri V.S. Masurkar

Advocate for the  
Respondent/s 1 & 2.

Shri M.A. Sattar


Advocate for the  
Respondent no. 3.

CORAM:

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

Hon'ble Shri

- (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)

ssp.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, 'GJLESTAN BUILDING' NO. 6  
PRESCOT ROAD, FORT, MUMBAI-400 001.

ORIGINAL APPLICATION NO. 265/96

Dated this 2nd day of August 1996.

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

1. Mrs. Shobha Damodar Kamble )  
Widow of Damu T. Kamble. )

2. Anil Damu Kamble, son of )  
the deceased Damu T. Kamble )

Both residing at 212/10, )  
Western Railway Quarters, )  
Kherwadi Road, Bandra (East) )  
Bombay 400 051, the widow )  
being a housewife and the )  
applicant no. 2 being )  
unemployed. )

(By advocate Shri K.K.V. Kurup) )

... Applicants

v/s

1. The Union of India through )  
the 2nd Respondents, General )  
Manager, W.R. Head Quarters, )  
Churchgate, Bombay - 20. )

2. The General Manager, )  
Western Railway Head Quarters )  
Churchgate, Bombay-20. )

3. Mrs. Sanjivani Sandeep Kamble )  
residing at B Line, Jijamata )  
Nagar, Dr. Moses Road, Worli, )  
Bombay 400 018, who is )  
daughter-in law of )  
Applicant No. 1. )

(Official Respondents 1 and 2 by )  
advocate Shri V.S. Masurkar, )  
Central Govt. Standing Counsel )  
and Respondent No. 3 by Shri M.A. )  
Sattar) )

... Respondents

O R D E R

I Per: B.S. Hegde, Member (J) I

Heard Shri K.K.V. Kurup for the applicants,  
Shri V.S. Masurkar for the Official Respondents and  
Shri M.A. Sattar for the Respondent No. 3.

*Per*

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2. The issue raised in this O.A. is whether the applicant is entitled to retain the suit premises i.e. Railway Quarters at 212/10, Bandra (East), Bombay-51 on the basis of seeking compassionate appointment in favour of the 2nd applicant and also prays that the Respondents be directed to provide a suitable employment to the 2nd Applicant on compassionate grounds without any delay etc.

3. The brief facts of the case are that the 1st applicant's husband one Damodar (Damu) Tukaram Kamble had worked in the Department for a period of 32 years and died on 20-2-1993 while in service; thereafter, his first son Shri Sandeep Kamble was taken in Railway service in 1993 on compassionate grounds who also died on 13-5-1995. It is admitted fact that the said premises in the occupation of the applicants was transferred to the name of Sandeep D. Kamble who was married with the 3rd Respondent on 24-4-1994. It is contended that because of the strained relationship between the Sandeep Kamble and Mrs. Sanjivani Kamble, the 3rd Respondent, she was residing with her parents at Worli and she continues to reside there even after the demise of Sandeep Kamble. During the course of hearing, the Respondents submitted that the 3rd son of the 1st applicant has been taken in the service and in the application they sought for appointment for the 2nd son which has not yet been considered. Since the said quarter has already been transferred in the name of the deceased son Sandeep, his widow, the Respondent no. 3 is entitled for compassionate appointment and the retention of the quarters if it is

*Mr*

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permitted under the rules. The 1st applicant is seeking for retention of the quarters on the basis of her son being absorbed on compassionate grounds which has not yet taken place. The question to be considered here is whether the widow of the deceased son Sandeep or the second son of the first applicant is entitled to continue in the quarters on their being appointed on compassionate grounds. The Respondents in their reply have clearly stated that the first applicant has no locus standi to contend that the quarter should be allotted to her and that she should be allowed to continue and her second son should be given compassionate appointment. Since the 3rd Respondent i.e. the widow of the deceased son Sandeep has applied for appointment on compassionate grounds vide her application dated 16-10-1995; however, since the matter is sub-judice, the Respondents could not consider her application for compassionate appointment.

4. Since the said quarter is in the possession of the applicants who have no right to occupy and retain the said quarter; accordingly, they are directed to vacate the said quarter forthwith. If at all the compassionate appointment for any one is to be considered and the quarter is to be retained, it is only the widow of the deceased son Sandeep.


5. In the circumstances, on the basis of the pleadings, I am satisfied that the first applicant is not entitled to continue in the quarter on the ground that her second son has not yet been given compassionate appointment. If at all compassionate appointment is to be given to anybody, it is only the widow i.e. the 3rd Respondent whose husband expired while in service and on such compassionate appointment, she would be eligible to

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continue in the quarter, the only condition while making the compassionate appointment should be stipulated that she may allow her mother-in-law to stay with her and the Respondents should take an undertaking in that behalf. Subject to above, there is no merit in the O.A. Accordingly, the O.A. stands disposed of.

  
(B.S. Hegde)  
Member (J)

ssp.