

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 783 /1996

Date of Decision: 27/3/97

Abhijit Rajaram Pacharne

Petitioner/s

Shri S.P. Saxena

Advocate for the
Petitioner/s

V/s.

The Secretary,

Ministry of Communication, & 2 Ors.

Respondent/s

Shri S.S. Karkera

Advocate for the
Respondent/s

CORAM:

Hon'ble Shri M.R. Kolhatkar, Member (A)

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 ?

abp.

M.R. Kolhatkar
(M.R. KOLHATKAR)
MEMBER (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG. NO. 6, PRESCOT RD, 4TH FLR.

MUMBAI - 400 001.

ORIGINAL APPLICATION NO. 783/96.

DATED THIS 27TH DAY OF MARCH, 1997.

CORAM : Hon'ble Shri M.R. Kolhatkar, Member (A).

Abhijit Rajaram Pacharne,
520, Navjivan Society,
Sahakarnagar, Padmavati,
Pune - 411 009.

... Applicant.

By Advocate Shri S.P. Saxena.

v/s.

1. The Secretary,
Ministry of Communication,
Government of India, DHQ P.O.,
Sanchar Bhavan,
New Delhi - 110 011.

2. The Chief General Manager,
Maharashtra Telecom Circle,
G.P.O. Building,
Mumbai - 400 001.

3. Asstt. General Manager,
(Recruitment),
Pune Telecom District,
Bajirao Road,
Pune - 411 002.

... Respondents.

By Advocate Shri S.S. Karkera.

I O R D E R I

I Per Shri M.R. Kolhatkar, Member(A) I

1. The prayer in this OA is to direct the respondents to consider the applicants' case and to offer him compassionate appointment. For appreciating the prayer, it is necessary to notice only a few facts.

2. First of all, it is on the Mother to son basis that the compassionate appointment is claimed. The mother of the applicant was an employee with respondent No.3 and she expired on 3/10/90. The father of the applicant is serving in a private concern (Bajaj Electricals) applied on behalf of son for compassionate appointment for the first time on 29/10/90 in anticipation of the son attaining majority. The date of birth of son being 28/4/75, it is

not disputed that ~~he~~ attained majority on 28/4/93. The case of the applicant was considered by the P & T department's Selection Committee on 8/10/94 and letter of rejection was issued on 10/6/94 at page-21. This letter does not give any reasons for rejecting the request. The applicant however made a representation against the rejection and several representation appear to have been made at several levels including the Minister. The department appears not to have considered the representation dated 25/1/96 in which the following points have been made:-

1. That no reasons for rejection have been given.
2. That he belongs to S.C. Community.
3. That his condition is worse than the condition of others in which compassionate appointment has been offered namely
 - i) Shri G.D.Gogate, Assistant Engineer
Expired on 1/2/1991.
 - ii) Shri V.G.Godbole, Divisional Engineer,
Expired on 21/2/91.
 - iii) Shri A.V.Prabhu, Divisional Engineer,
Expired on 21/8/94.
 - iv) Shri Abdul Kadar Khan, M/D, Expired on 9/8/1990.

In relation to the last case, it is particularly mentioned that compassionate appointment has been given to the daughter of the late employee although his three sons are working, have their own house and his wife is getting double family pension and his daughter got married. Compared with Khan's conditions, the applicant's condition is worse because he stays separately from his father who has remarried and the family pension has been transferred in applicant's name and that he is responsible for the younger ^{who} sister/is yet to be married.

3. It appears that prior to this letter dated 25/1/96, but subsequent to earlier representations, the

respondents had asked vide their letter dated 20/10/95, at page-29, certain particulars like DA relief on family pension and the Salary Certificate of father of the applicant that is Rajaram.B.Pacharne. Rajaram.B.Pacharne sent a letter on 15/11/95 refusing to give particulars because his son does not stay with him.

4. From the above it is clear that the case of the applicant came to be rejected in the matrix of circumstances before the circle committee which were as below:-

The son was staying with the father or in any case, since it is father's duty to support his son, he was presumed to be staying with father.

That the father's salary is as given below:-

Basic Pay	Rs. 815.00
Dearness Allowance	Rs 306.50
Additional Dearness Allowance	Rs.1,083.00
Production Bonus	Rs. 115.00
Conveyance allowance	Rs. 131.00
House Rent Allowance	Rs. 156.00
Education Allowance	Rs. 165.00
City Compensatory Allowance	Rs. 104.00

All these benefits were required to be taken into account apart from retirement benefits drawn by the Mother to the tune of Rs.91,095/- as per page-8 of the application.

5. Now the matrix of the circumstances which is set up by the applicant as against the above matrix is as stated in the appeal dated 25/1/96. It appears that the department has stated in para-8 of their reply that the matter was being re-submitted for reconsideration to the Directorate of P & T, but it appears that instructions were received from Directorate P&T to consider the matter at the Circle High Power Committee. Earlier, that is in June, 1994., the matter was considered by the Selection Committee at the Pune Telecom District level as stated in para-7 of the reply.

6. It appears that the matter was considered on directions of Birectorate General P & T and the decision of the Circle

High Power Committee was communicated to the applicant as below:-

"The husband of the deceased employee is working. As such there is no compassionate ground for appointment of Shri Abhijit R Pacharne case is rejected."

7. It would thus be seen that the case set up by the applicant in his appeal dated 25/1/96 at page-32 of the OA has not so far been considered by the department. I am therefore of the view that this OA can be disposed of by giving direction to the department to consider the representation of the applicant dated 25/1/96 as the decision of the committee (High Power Committee) at Circle level appears to have proceeded on the basis of the son staying with the father.

8. Let the department consider the same at the level of Directorate General, Telecom, New Delhi., with reference to the representation of the applicant dated 25/1/96. I would expect the applicant to cooperate with the department to the extent of arranging to supply the information regarding salary certificate of his father without prejudice to his stand that he stays separately from his father. Department would ofcourse make its own inquiry as to whether applicant actually stays separately from the father and consider the case in the light of the facts as revealed in the inquiry and this should be done within three months of communication of the order. OA is therefore disposed of with no orders as to costs.

abp.

M. R. Kolhatkar
(M. R. KOLHATKAR)
MEMBER (A)