

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL**

**GULESTAN BLDG. NO.6, PRESCOT ROAD, 4th FLOOR,**

**MUMBAI - 400 001.**

**ORIGINAL APPLICATION NO. 873/96**

**DATED THE 3rd DAY OF SEPTEMBER, 1996.**

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

Ms. Laxmi Hukumsingh Bidlan,  
P-9/8, M.E.S. Quarters,  
Artillery Centre,  
Nashik Road Camp,  
NRC, Deolali Gate,  
Taluka & Dist. Nashik.  
By Advocate Shri A.L. Mulchandani.

... Applicant.

v/s.

1. Ministry of Defence,  
South Block, Government of India,  
New Delhi.
2. Engineer-In-Chief, Head Quarters,  
New Delhi.
3. Chief Engineering, Southern Command,  
Head Quarters,  
PUNE.
4. Commander Works, Engineers,  
Deolali Camp, Dist. Nashik.
5. Garrison Engineer(North),  
Goslow Road, Deolali Camp,  
Deolali, Dist. Nashik.
6. A.G. Bender Office,  
Nashik Road, Camp,  
N.R.C. Office, Artillery Centre,  
Nashik Road, Dist. Nashik.
7. G. Office, Deolali Camp,  
'G' North Deolali Camp,  
Dist. Nashik.
8. Military Engineering Services,  
Chief Engineer, (Mukhya Engineer  
Ka Karyalaya, Pune Zone,  
Chief Engineer's Office, Pune Zone,  
Pune-1.

... Respondents.

... Opponents-  
Respondents.

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

Heard Shri Mulchandani for the applicant.

In this OA, the applicant challenges the notice of the termination dated 27/7/96 by which her service stands terminated within one month from the date of notice. It is to be noted that the original order of appointment which was on compassionate ground provided that she produces original certificate of educational qualifications, etc. According to the guidelines for compassionate appointment, chapter-28 in Swamy's Compilation para-4(c)

Departments are, however, competent to relax temporarily educational qualifications in the case of appointment at the lowest level, i.e. Group 'D' or LDC post, in exceptional circumstances where the condition of the family is very hard. Such relaxation will be permitted up to a period of two years beyond which no relaxation of educational qualifications will be admissible and the services of the person concerned if still unqualified are liable to be terminated."

In this case, the original applicant was appointed on 26/7/94 in relaxation and the termination order is strictly in accordance with the rules because the applicant failed to produce the original certificates of having the educational qualifications within a period of two years.

There is no provision for any further relaxation of the educational qualification. According to para-4(d) the widow can be exempted from the requirements of educational qualification. In this case, the applicant is the daughter of the deceased employee. (It is stated that the widow is aged and too unwell to work.) In her case, the question of exemption of educational qualification does not arise. The Learned Counsel for applicant states that this is a case of compassionate appointment and this

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Court may consider giving Interim Relief. However, I am of the view that the OA has no merit and I am inclined to dismiss the OA at the admission stage itself.

OA is accordingly dismissed with no orders as to costs.

*M.R.Kolhatkar*

(M. R. KOLHATKAR)  
MEMBER (A)

abp.