

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 80 of 2000.

Dated this Thursday the 22nd day of February, 2001.

Balu Murlidhar Vahile, Applicant.

Smt. K. U. Nagarkatti, Advocate for the
applicant.

VERSUS

Union of India & Another, Respondents.

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

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

- (i) To be referred to the Reporter or not ? ✓
- (ii) Whether it needs to be circulated to other Benches
of the Tribunal ? ✓
- (iii) Library. ✓

B. N. Bahadur
(B. N. BAHADUR).
MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 80 of 2000

Dated this Thursday the 22nd day of February 2001.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

Balu Murlidhar Vahile,
S/o. Late Murlidhar D. Vahile,
residing at -
Village Kinhai,
P.O. Dehugaon,
Pune - 412 101.

(By Advocate Smt. K.U. Nagarkatti)

VERSUS

1. The Commandant,
Central Ordnance Depot,
Kendriya Auyudh Bhandar,
Dehu Road - 412 101.
2. Secretary,
Ministry of Defence,
Union of India,
Delhi - 110 001.

... Respondents.

(By Advocate Shri R. R. Shetty for
Shri R. K. Shetty).

O R D E R

PER : Shri B. N. Bahadur, Member (A).

The Applicant in this case, Shri Balu Murlidhar Vahile, son of the late Shri Murlidhar D. Vahile, comes upto this Tribunal with the grievance that he has not been provided employment on compassionate grounds, in relaxation of rules, despite the Applicant fulfilling all criteria for being considered for such employment. He thus seeks the relief, from the Tribunal, for a direction to the Respondents to grant him

B. N.

employment on compassionate grounds, in relaxation of normal recruitment rules.

2. The case made out by the Applicant in the O.A. is that his father Shri Murlidhar Vahile never returned to his home after his disappearance on 12.07.1969 when he had gone away pilgrimage. His father was working as Labourer with the Respondents (C.O.D.) till this time. He left behind his wife and two minor children, of which one is the present Applicant. A complaint was lodged with the Police Station (Exhibit-2) but despite efforts, Shri Murlidhar could not be traced.

3. The Applicant states further, that when his mother did not get any retiral benefits, she approached this Tribunal in O.A. 318/92 and terminal benefits were made available to the mother in view of orders made by this Tribunal. This amount is highly inadequate, as the family has no other sources of income. The circumstances that the family is placed in are then described, in detail, and the point made that, even the agricultural land which was held by the family of the Applicant was acquired for defence purposes.

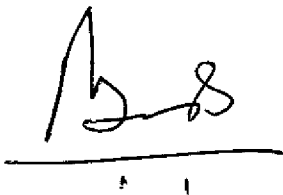
4. The Respondents filed a Written Statement wherein it is stated that Murlidhar Vahile, i.e. Applicant's father, had ceased to report for duty from July, 1969 and was therefore removed from Service for unauthorised absence on 27.02.1970. The case of the Applicant cannot be considered by relaxation of rules in view of the fact that his father was removed from service. The case of the Applicant was, however, put up before the Board of Officers

Ms

in July, 1994 and again in April, 1995 and further in January, 1996. Finally, it was put up and considered on 06.01.1999 but has been rejected, as the case was found less deserving than others. Further, in the Written Statement, details and parawise replies have been provided.

5. I have considered all the papers in the case, as also the arguments made before me, by Learned Counsels, namely - Smt. K.U. Nagarkatti for the Applicant and Shri R.R. Shetty for the Respondents. Smt. Nagarkatti took me over the facts of the case, as as indeed set out in detail systematically in the Application, and made the point that the Applicant was very deserving in view of the facts of the case, specially in view of the following salient aspects :-

- (a) The Tribunal has granted reliefs of retiral benefits in view of the facts of the case, of the father missing from 1969-70
- (b) Whatever agricultural land was held by the father, and could come to the Applicant's family, has been acquired by the Defence Department and surrendered in national interest, and this permanent source of income is no longer available.
- (c) The Applicant is in indigent circumstances and is deserving of compassionate appointment in view of the said circumstances.



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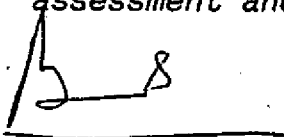
6. Arguing the case on behalf of Respondents, the contentions and arguments made by the Learned Counsel are reproduced, in gist, below :

(a) Applicant became 18 years of age in 1983 and the family has been able to pull along and is not in imminent indigent circumstance at this stage. The Applicant's father has been removed from service in 1990.

(b) The competent authority has considered the case of the Applicant three times and has not found the Applicant to be a deserving case, after a systematic consideration on the basis of allocation of marks. Records of proceedings in respect of two meetings was shown.

7. On a consideration of the facts and circumstances of the case, we find that the case has been put up and considered by the competent Board on a number of occasions, the last one being in the year 1999. Proceedings in respect of two considerations, namely - those held on 07.07.1994 and 05.01.1996 was shown to us. Similarly, there are records of the proceeding held on 06.01.1999 at page 44 of the Paper Book. One thing therefore is clear, that the case has been considered by the competent authority not once but on a number of occasion. Thus, it is not that the fact of removal from service of the Applicant's father has held up the very consideration of the case, as it may or may not have been a factor with the Board of Officers on different occasions.

8. It is not possible for the Tribunal to go into a detailed assessment and re-appreciation of the merits of the Applicant's



case in comparison to the others. The Tribunal is also bound by the settled law on compassionate appointments. It is not to be stated that the Applicant or his family are in a happy state in economic terms and it may well be true that they are in none too happy an economic status. However, the matter having been considered on a number of occasion, it is not possible for this Tribunal to provide the relief that has been sought by the Applicant.

9. Under the facts and circumstances above, this O.A. is hereby dismissed. (This order will however not come in the way of Respondents providing any relief to the Applicant} but, no directions are given). No order as to costs.

on their own BNS

B. N. Bahadur

(B. N. BAHADUR)

MEMBER (A).

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