

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. 884/2000.

Date of Decision: 29.6.2001

Smt. S.M. Satpute : Applicant

Shri S.S. Karkera : Advocate for the
Applicant.

VERSUS

Union of India & Ors. : Respondents

Shri V.S. Masurkar : Advocate for the
Respondents

CORAM:

The Hon'ble Smt. Shanta Shastry, 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

Shanta S

(SMT. SHANTA SHAstry)
MEMBER (A)

mrs

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.884/2000

Friday this the 29th day of June, 2001.

CORAM : Hon'ble Smt. Shanta Shastry, Member (A)

Smt. Surekha Mahadeo Satpute,
Widow of late Mahadeo Bajrang
Satpute, R/o Sai Prasanna Co.Op.
Hsg. Society, Behind Narpoli
Police Station, Bhiwandi,
Dist. Thane.Applicant.

By Advocate Shri S.S.Karkera

vs.

1. Union of India
through the Chief General Manager,
Maharashtra Telecom Circle,
(Now B.S.N.L.), Fountain Telecom,
Bld.No.II, 8th Floor, M.G.Road,
Fountain, Mumbai.

2. The General Manager,
Telecom (Raigad) at Mumbai
(Now B.S.N.L.),
Wireless Compound,
Santacruz (W),
Mumbai.

3. The Chief Superintendent,
Central Telegraph Office,
Fountain, Mumbai.Respondents

By Advocate Shri V.S.Masurkar

O R D E R (ORAL)

{Per : Smt. Shanta Shastry, Member (A)}

Heard Shri S.S.Karkera for the applicant and Shri V.S.Masurkar for the respondents.

2. The relief sought in this application is for compassionate appointment to be given to the applicant who is the widow of late Mahadeo Bajrang Satpute who was working as Telegraphist under Respondent No. 3 and expired on 12.5.1996. The applicant's husband had married earlier one Smt. Meenakshi and got 3 children from the said wife. The said wife, i.e. Smt. Meenakshi expired on 8.1.1990 even before the applicant's husband expired. After the death of the Government servant, i.e. Shri Mahadeo Bajrang Satpute, the applicant in the present case put forth her claim for retiral benefits. The applicant was paid pension etc. by the respondents. However, the applicant's request for compassionate appointment was rejected vide letter dated 2.8.2000 as her case was not recommended by the High Power Committee of the office.

3. The applicant is aggrieved that inspite of being a legally married wife of the deceased Shri Mahadeo Satpute, she is being denied compassionate appointment, she has no other means of income except the pension of Rs.1,000/- p.m. granted to her. The applicant has studied upto Vth Std. She preferred representation to the respondents along with necessary documents. However, the

applicant was asked to produce proof that she had been taking care of the minor children from the first wife of the deceased. However, she could not produce any documents in support of the same except for the period prior to the death of the deceased employee. The learned counsel for the applicant submits that after the death of the deceased Government servant, the applicant was not allowed to stay in the house of the deceased along with the children. She was thrown out and therefore she is now staying at Bhiwandi with her brother whereas the minor children from the first wife of the deceased are staying in Pune with their uncle. It is not the fault of the applicant that she is not allowed to take care of her children. Hence, she is asking for compassionate appointment and she is willing to take care of the children.

4. The respondents submit that there are three grounds on which the applicant's request for compassionate appointment cannot be granted. A court case was filed by the brother of the deceased in the Court of the District Court, Pune, by Misc. Application No. 686/96 claiming Guardianship of the minor children of the deceased Government servant. The Court ordered appointment of the applicant therein, i.e. Shri Keshav Bajrang Satpute as the Guardian of the minor children, namely, Ku.Ujwala Mahadeo Satpute, Master Vinod Mahadeo Satpute and Master Nikhil Mahadeo Satpute. The order also states that the applicant is entitled to retirement benefits and other benefits on behalf of the minor children subject to his giving an undertaking that the

pension would be utilised for minors and the other amounts to be received shall be deposited in Fixed Deposit in any Nationalised Banks in the name of the minors. The order was passed on 31.7.1998. Further, one of the minor children, namely, Ku.Ujwala Mahadeo Satpute also made an application to the respondents stating that she would be becoming a major on 8.11.1999 after attaining 18 years and that she was studying in the XIth Std. and she may be provided compassionate appointment.

5. The learned counsel for the respondents submits further that the applicant's application in this case for compassionate appointment was considered by a High Power Committee and this Committee after taking into account the Court order regarding Guardianship and other formalities and the failure of the applicant to produce any proof that she was taking care of the minor children did not recommend compassionate appointment to be given to the applicant.

6. The learned counsel for the applicant stated that the applicant was not aware of the Court order regarding Guardianship, it must have been an ex-parte order. However, it is seen from the Court's order dated 31.7.1998 that the Court was fully aware that the applicant was residing away from the minor children of the deceased in Bhiwandi and the Court had therefore directed a public notice to be issued in the matter. I am, therefore, unable to accept the contention of the applicant that she was not aware of the order. Be that as it may, the applicant has not produced any substantial documents to prove that she is taking

care of the minor children of the deceased. The High Power Committee has therefore rightly rejected the request of the applicant for compassionate appointment.

7. In the facts and circumstances of the case, I do not see any reason to interfere with the orders of the respondents. Accordingly, the OA. is dismissed. No costs.

Shanta S

(SMT.SHANTA SHAstry)

MEMBER (A)

mrj.