

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 330/2001

Date of Decision : 27.11.2001

Smt.V.S.R.Jadhav Applicant

Shri P.A.Prabhakaran Advocate for the
Applicant.

VERSUS

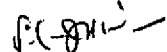
Union of India & Ors. Respondents

Shri S.S.Karkera for Advocate for the
Shri P.M.Pradhan Respondents

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

- (i) To be referred to the reporter or not ? No
- (ii) Whether it needs to be circulated to other nd Benches of the Tribunal ?
- (iii) Library No.


(S.L.JAIN)
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.330/2001

Tuesday this the 27th day of November, 2001.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Smt.Vimal Shantaram Rama Jadhav,
W/o late Shri Shantaram Rama Jadhav,
R/o 4378, Building No.121,
Antop Hill, Sector 7,
Mumbai.

...Applicant

By Advocate Shri P.A.Prabhakaran

vs.

1. Union of India through
The Secretary,
M/O Information & Broadcasting,
Shastri Bhawan,
New Delhi.
2. The Director General,
AIR and DD Unit,
Prasar Bharati Broadcasting
Corporation of India,
Akash Vani Bhavan,
Sansad Marg, New Delhi.
3. The Station Director,
Prasar Bharati Broadcasting
Corporation of India,
O/O the Station Director,
Vividh Bharati Service,
All India Radio, L.T.Road,
Borivali, Mumbai.

...Respondents

By Advocate Shri S.S.Karkera
for Shri P.M.Pradhan

..2/-

J. G. /

O R D E R (ORAL)

{Per : Shri S.L.Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunals Act, 1985 for the direction to the respondents that either the vacancy created by the death of the applicant's husband or any other suitable vacant post may be allotted to the applicant and orders be issued accordingly.

2. The applicant has further prayed the reliefs in para 8 (b) and (c) of the OA. which relates to retaintion/continuation in quarters allotted to her husband and regarding damage rent. The applicant has filed a seperate OA. therefor. It being a distinct cause of action, hence the said relief is not being considered in this OA.

3. Regarding compassionate appointment, the reply of the respondents in para 9 of their written statement is worth mentioning which is as under :-

" The matter of appointment on compassionate ground was referred to Zonal Station Director, AIR vide letter No.VD/27/97/2000-S/V55/219 dated 29.5.2001 and as per the reply wherein it has been stated that her case had been included for compassionate appointment and her name stands at Sr.No.12 for consideration on compassionate appointment as per the Standing Instructions issued by the Head Office viz., the Director General of All India Radio, New Delhi, vide the Office Memorandum No.9/18/95-SII dated 1.7.1997."

ACM 3/-

4. The learned counsel for the applicant relied on 2000 SCC (L&S) 767, Balbir Kaur & Anr. vs. Steel Authority of India Ltd. & Ors. along with T.K.Meenakshi (Smt.) & Anr. vs. Steel Authority of India Ltd. & Ors. - the proposition laid down cannot be disputed as denial of compassionate appointment in deserving case perceived as denial of social and economic justice as enshrined in the Constitution. The very object of compassionate appointment is social and economic justice. On the basis of the said object provision for compassionate appointment is being introduced.

5. The learned counsel for the applicant further relied on page 299 Pension Compilation 7 (d) & (e) which relates to ceiling of 5% direct recruitment for making compassionate appointment and other posts. The learned counsel for the applicant also relied on the order passed by the Principal Bench in case of Leelavati Smt. & Anr. vs. Union of India & Ors. In the said case, the appointing authority was satisfied that the applicant No.2 deserves such an appointment, there should be no delay in giving him the job. Here, as the case of the applicant is yet to be considered. In such circumstances, the only order which the Tribunal can pass is that as the employee Shri Shantaram Jadhav while in service expired on 27.1.1999, the respondents are directed to take a decision regarding compassionate appointment of the applicant within a period of three months, (no further extension shall be given in this respect), and communicate the same to the applicant. No order as to costs.


(S.L.JAIN)

MEMBER (J)

mrj.