

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:436/2001

FRIDAY the 6th day of SEPTEMBER 2002

Tanaji Shivaji Pawar  
Residing at Kondhwe  
Dhawade, Post NDA,  
Khadakwasla, Pune.

...Applicant.

By Advocate Shri S.V. Marne.

V/s

1. The Union of India through  
The Director General of  
Military Training,  
General Staff Branch,  
Army Head Quarters,  
DHQ PO Delhi.

2. The Commandant,  
National Defence Academy,  
Khadakwasla, Pune.

...Respondents.

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

ORDER (ORAL)

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

This is an application under Section 19 of the Administrative Tribunals Act 1985 to quash and set aside the order dated 28.11.2000 with the direction to the respondents to grant compassionate appointment to the applicant.

2. The applicant can claim consideration for compassionate appointment but cannot claim compassionate appointment by seeking a direction from Court.

3. On perusal of order dated 28.11.2000, it is worth mentioning that it is a cryptic order. One of the consideration appears to be (Exhibit R9) which deals with poverty line. The

*Page 2*

...2...

learned counsel for the applicant relied on an order passed in OA 463/2001 and 688/2001 by this Bench on 29.5.2002 in which the said consideration was held to be not in accordance with law.

4. The learned counsel for the respondents on the basis of averments in para 6 of the reply stated that the applicant's father has received a sum of Rs. 2,09,437/- towards G.P.F., Commuted value of pension and other terminal dues after his medical invalidation. He is also in receipt of Rs. 1,590/- per month as Pension (Basic Pension Rs. 962/- plus Rs. 628/- Dearness Relief @ 43% of Basic Pension). On the basis of the same he argued that for family of four person taking into consideration the interest to be received on the amount of GPF etc. is sufficient to meet the necessities.

5. It is worth mentioning that the consideration regarding applicant's case for compassionate appointment is based on grounds which cannot be taken into consideration. As such the consideration is vitiated.

6. In the result, OA. is allowed. The order dated 28.11.2000 is quashed and set aside. The matter is remitted back to the respondents for consideration in accordance with law within a period of three months from the date of receipt of copy of the order by a speaking order. No order as to costs.

S.L. JAIN -  
(S.L. JAIN)  
MEMBER (J)

NS/mrj.

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(S. L. JAIN)  
MEMBER (J)

Order/Judgement despatched  
to Applicant/Respondent (s)  
on 27-9-02