

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 748.2001

DATE OF DECISION: 31.1.2002

Smt. Anjali Achut Kulkarni and Anr. Applicant.

Shri S.S. Karkera Advocate for
Applicant.

Verses

Union of India and others Respondents.

Ms. H.P. Shah Advocate for
Respondents

CORAM

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

(1) To be referred to the Reporter or not? *yes*

(2) Whether it needs to be circulated to other Benches of the Tribunal? *No*

(3) Library. *yes*

S.L.Jain
(S.L.Jain)
Member (J)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 748.2001

THURSDAY the 31st day of JANUARY 2002

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

1. Smt. Anjali Achut Kulkarni
Residing at Gurubachhan Singh
Chawl, Mhaske Vasti, Pune.
2. Smt. Anita Achut Kulkarni
Residing at Gurubachhan Singh
Chawl, Mhaske Vasti, Pune. ...Applicants.

By Advocate Shri S.S. Karkera

V/s

1. The Union of India through
The Chief Post Master
General, Maharashtra Circle,
GPO, Mumbai.
2. The Post Master General
Pune Region, Pune.
3. The Sr. Superintendent
of Post Office Pune City
West Dn. Pune. ...Respondents

By Advocate Smt. H.P. Shah.

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 impugned order dated 2.5.2001 (Exhibit A) and consider the case of applicant No 2 for compassionate appointment.

2. The applicants have filed OA 446/2000 which was decided by this Bench on 15.12.2000. Operative part of the said order is as under:

The respondents are directed to consider the case of the applicant expeditiously within a period of three months. If the applicant is still aggrieved, she is at liberty to take recourse to act on as per rules. The OA is disposed of accordingly. No costs.

J.L.J.

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3. The learned counsel for the applicant brought to my notice Exhibit G in which it is mentioned that " legal proceedings were initiated in Civil court Pune and finally got divorce on 25.7.1998 ".

4. Though no decree of divorce was filed alongwith OA but during the course of the argument a Compromise Memo was placed before the Bench by which the parties were arrived to compromise on 25.7.1998 in a case named Smt. Anuradha Sunil Kale V/s Shri Sunil Dattatraya Kale. The learned counsel for the applicant states that before her marriage her name was Anita Achut Kulkarni and after marriage her name is Anuradha Sunil Kale. The respondents to ascertain the correct position regarding the identity of the parties to the compromise and whether the said Compromise Memo is followed by a decree of divorce or not. The applicant is free to place decree of divorce before the respondents and after considering the same the respondents to arrive to a conclusion as to whether Anita and Anuradha is one and the same and there had been a decree of Divorce as alleged.

5. The learned counsel for the applicant brought to the notice of the Bench that applicant No.2 being a daughter is entitled for compassionate appointment.

6. We are not going to decide the question whether compassionate appointment is to be ordered or not as the scope is limited to the extent to direct the respondents to consider the case as per provisions of law.

7. Perusal of the impugned order dated 2.5.2001 makes it clear that the respondents have decided the case on the ground that Married/Divorcee daughters are not eligible for compassionate appointment. In such circumstances it is directed

J. S. /

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to the respondents that the case of the applicant be considered keeping in mind that whether she is the daughter of the retired employee or not ; in addition to it they can consider that whether she is divorcee or not with a view that whether she is dependent on the retired employee or on her husband or husband's family members.

8. With these directions the OA is disposed of. The said exercise be completed within a period of three months. No order as to costs.

8.1.81.2 -
(S.L.Jain)
Member(J)

NS

order/Judgement despatched
to Applicant/Respondent (s)
on 15.2.2002.

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