

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 854/2001

MONDAY the 30th day of SEPTEMBER 2002

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

Smt. Kamal Balasaheb Dhawade
Residing at & Post
Uttam Nagar, Pune.

...Applicant.

By Advocate Shri S.V.Marne.

V/s

1. Union of India through
The Secretary
Ministry of Defence
South Block, New Delhi.
2. The commandant
National Defence Academy
Khadakwasla
Pune.

...Respondents.

By Advocate 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 a direction to the respondents to appoint the applicant on compassionate ground.

2. The learned counsel for the applicant brought to my notice para 13 of the written statement that para 3(c) of Army Head Quarters letter No. 15301/MP-4 (civ) (a) dated 12.7.2001 (Exhibit R -10) was considered and yard stick of poverty line was applied.

Sign

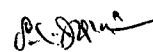
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3. The learned counsel for the respondents argued on the basis of para 1 of the written statement that the applicant is in receipt of retirement benefits and the interest on retirement benefits is taken into consideration the interest is sufficient to meet the requirement of the family. Suffice to state that the retirement benefits shall not be taken into consideration in dealing with the compassionate appointment.

4. The learned counsel for the respondents argued that only 5 % vacancies are to be filled on the basis of compassionate appointment and as such there were already 31 compassionate appointment cases pending for consideration for want of availability of quota for compassionate appointment.

5. The employee expired on 29.8.1997 and the criteria adopted is of 2001 which has been held to be not good criteria.

6. In the result the OA is allowed. The order dated 28.11.2000 is quashed and set aside. The respondents are directed to re-consider the case of the applicant for compassionate appointment within a period of three months from the date of receipt of copy of the order in view of discussion made above. No order as to costs.


(S.L.Jain)
Member (J)