

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: MUMBAI

ORIGINAL APPLICATION NO. 372 OF 2001

TUESDAY, THE 29TH DAY OF MAY 2001

SHRI SHANKER RAJU.

... MEMBER (J)

Shri Prasanna Shivaram Rode,  
Son of Shivaram Ganpat Rode,  
Damgude Chawl,  
Uttam Nagar,  
Pune-411 023.

... Applicant

By Advocate Shri s.V. Marne

Versus

1. The Union of India, through  
The Director General of Military Training,  
General Staff Branch,  
Army Headquarters,  
DHQ PO, Delhi-110 001.
2. The Commandant,  
National Defence Academy,  
Khadakwasla, Pune-411 023. ... Respondents

O R D E R

Heard the learned counsel Shri Gangar for Shri S.V. Marne. In this application, the applicant is aggrieved by an order passed on 28.11.2000 by second respondent whereby the request of the applicant for appointment on compassionate ground has been rejected and his name has been deleted from the waiting list. The applicant drew my attention to page 23 and highlighted the aspect of instructions issued on 2.11.93

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and also referred to the format enclosed therein which would help the officers in order to consider the appointments on compassionate grounds. In this background, it is stated that from the order passed, they did not apply their mind and no reasons has been assigned as to why the applicant's case has been rejected. By drawing my attention to an order passed by this Bench on 19.4.2000 in OA. 237/2001, it is contended that in similar circumstances, the case of others have been considered and this court was pleased to dispose of the OA<sup>h</sup> at the admission stage before notices to be issued to the respondents by directing the respondents to pass a speaking order assigning reasons as to why the case of the applicant has not been considered. It is further alleged by the learned counsel for the applicant that the applicant is yet to be accorded the family pension to which he is legally entitled.

2. In view of the above, I dispose of this OA at the admission stage itself by directing the second respondent to pass a speaking order assigning reasons as to why the case of the applicant should not be considered on compassionate grounds and while doing so, the latest instructions of DOPT dated 2.12.93 on this subject may also be considered. The respondents shall

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also consider the claim of the applicant for grant of family pension and to act accordingly within a period of 2 weeks from the date of receipt of copy of this order. The OA is disposed of accordingly without any order as to costs. Copy of this order along with copy of OA shall also be sent to the respondents.

S. Raju  
(SHANKAR RAJU)

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