

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:848/2001
DATED THE 20th DAY OF NOVEMBER, 2002

CORAM:HON'BLE SMT SHANTA SHASTRY, MEMBER(A)

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1. Smt. Shubhangi Sitaram Chavan,
W/o.Sitaram Shankar Chavan,
who was working as Shroff
Asstt. in Bullion Deptt.
India Government Mint, Mumbai
residing at Baban Gimal Chawl,
Room No.22, Ghartan Pada No.1,
Ashok Nagar, Dahisar (East),
Mumbai - 400 068.

2. Shri Anil Sitaram Chavan,
S/O Sitaram Shankar Chavan,
who was working as Shroff
Asstt. in Bullion Deptt.,
India Government Mint, Mumbai,
residing at Baban Gimal Chawl,
Room No.22, Ghartan Pada No.1,
Ashok Nagar, Dahisar (East),
Mumbai - 400 068.

... Applicants

By Advocate Shri S.V.Marne

V/s.

1. Union of India, through
the Secretary, Ministry of Finance,
North Block, New Delhi.

2. The General Manager,
India Government Mint,
Shahid Bhagatsingh Road,
Fort, Mumbai - 400 023.

... Respondents

By Advocate Shri V.D.Vadhavkar for
Shri M.I.Sethna

(ORAL)(ORDER)

Per Smt.Shanta Shastry, Member(A)

This is a case of compassionate appointment. The applicant's husband Shri Sitaram Shankar Chavan who was working as Shroff Asstt. with respondent no.2 died on 30/5/1993 leaving behind his widow i.e. applicant no.1 and the son and two

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daughters. The applicant no.1 was granted family pension. The applicant no.1 submits that she had applied for compassionate appointment. However, the same has been rejected after several years vide the impugned order dated 17/2/2000, though the application was made in the year 1994. According to the applicant no reason has been assigned for rejecting the request of the applicant.

2. The respondents have opposed the OA. According to them the late Shri Sitaram Shankar Chavan had rendered 17 1/2 years of qualifying service for pension and accordingly the applicant has been sanctioned pension + relief as revised from time to time. The present rate of family pension is Rs.1838/- p.m. and she would be getting Rs.1275/- p.m. + relief admissible from time to time with effect from 1/6/2000 till her life time or remarriage whichever is earlier. It is submitted that the case of the applicant was scrutinised for compassionate appointment on the basis of the guidelines framed by Government of India from time to time. It was found that applicants received Rs.81,477/towards all the retiral dues and family pension. The police report regarding position of the family was received on 8/3/1997 and thereafter the competent authority after perusing the details of the applicant kept the case pending for review. The respondents state that there are many cases of death in the Mint as compared to other Government Offices and many applications were received for compassionate appointment which are to be dealt on merits and subject to availability of vacancies in the cadre in which they are suitable. The respondents also consider these applications in the light of the directives/guidelines issued by the

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Government of India from time to time. It is to be ensured that appointments are made on Need cum Economic Status basis. The applicant's case was also examined along with those of the other applicants and it was found that this was not a fit case for compassionate appointment. Hence, it was rejected on 10/2/2000 and applicant was informed on 17/2/2000.

3. The learned counsel for the respondents has also taken preliminary objection that the application is belated and not within the stipulated period of one year from the date the cause of action arose.

4. The learned counsel for the applicant however argued that as soon as the reply was received, the applicant has approached this Tribunal. We find that the applicants have filed MP No.751/2002 for condonation of delay in filing the application. The rejection of request was received on 17/2/2000 whereas the OA has been filed on 21/11/2001. According to the applicant after the impugned order was received, the Tankasal Mazdoor Sabha who was pursuing the case of the applicants, made a representation dated 30/8/2000 for reconsideration of the case. Since the Union had taken up the case of the applicants, the applicant did not deem it fit to approach the Tribunal as she was hopeful of some positive action.

5. I have heard the learned counsel for the applicant as well as the respondents. When the husband of applicant no.1 died in 1993, certainly a large family of three and the applicant no.1 was said to be in distress. However, she was granted retiral dues and she kept quiet over request for compassionate appointment for seven years and even after receiving the reply of

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rejection, the applicant has approached the tribunal belatedly. Thus, the application suffers from limitation, delay and laches and thus it is to be dismissed on these points alone.

6. It is seen that the respondents have also taken six years to give a reply to the applicant rejecting the request. But this delay by itself cannot be a ground for a direction to the respondents to reconsider the case of the applicant. No purpose will be served by giving any direction to the respondents to consider the case of the applicant for compassionate appointment now after a period of seven years. In our considered view OA is therefore not maintainable and is accordingly dismissed. No costs.

Shanta J.

(SMT. SHANTA SHASTRY)
MEMBER(A)

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