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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 565/90

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198

DATE OF DECISION 16.4.1991

Smt.B.B.Yerallu

Petitioner

Mr.A.Sinha

Advocate for the Petitioner(s)

Versus

The Commandant, Army Base Workshop &

two others.

Respondent

Mr.A.I.Bhatkar.

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.S.Chaudhuri, Member(A),

The Hon'ble Mr. T.C.Reddy, Member(J).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Yes

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(P.S.CHAUDHURI)
MEMBER(A).

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.565/90.

Smt.Ballamabai Bhumanna Yerallu.

... Applicant.

V/s.

The Commandant,
512, Army Base Workshop,
E.M.E. Kirkee,
Pune - 411 003, & two others

... Respondents.

Coram: Hon'ble Member(A), Shri P.S.Chaudhuri,
Hon'ble Member(J), Shri T.C.Reddy.

Appearances:

Applicant by Mr.A.Sinha.

Respondents by Mr.A.I.Bhatkar.

Oral Judgment:-

[Per Shri P.S.Chaudhuri, Member(A)] Dated: 16.4.1991.

This application under section 19 of the Administrative Tribunals Act was filed on 30.7.1990. The applicant in it claims to be the widow of one Shri Bhumanna Yeranna Yerallu who was in the employment of the first respondent since 1920 and who expired on 18.7.1981. We have heard Mr.Anupkumar Sinha, learned counsel for the applicant and Mr..A.I.Bhatkar instructing Mr.M.I.Sethna, learned counsel for the respondents.

2. In the original application the applicant had made several prayers which are not consequential to one another and so constitute plural remedies in terms the Central Administrative Tribunal (Procedure) Rules, 1987. Faced with this predicament Mr.Sinha sought to restrict his prayers to only the prayer at para 8(c) which seeks a direction to employ Mr.Gajanan Bhumanna Yerralu the eldest son of the applicant and her deceased husband.

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3. After hearing the learned counsel for both sides we find this prayer to be wholly misconceived. It is the applicant's case that her husband joined service in 1920. His date of birth would, therefore, have been 1902 at the very latest. Of course, he might have been underaged when he first joined appointment, but there is no averment to this effect. If his date of birth was 1902, he would have attained the age of superannuation in 1962 or even earlier. He was living at this time and only died several years later, viz. ⁱⁿ 1981. The scheme of compassionate appointment is only for those who die in harness. Further, it is meant to mitigate the immediate hardship of the surviving family members. None of these prerequisites are applicable in the present case.

4. In this view of the matter we are of the opinion that the application merits summary rejection.

5. We accordingly summarily reject the application under section 19(3) of the Administrative Tribunals Act, 1985. When doing so we make it clear that it is open to the applicant to file fresh application in accordance with law and if so advised, in respect of any grievance that she may have other than that dealt with in this ^{order} ~~from~~. In the circumstances of the case there will be no order as to costs.

T. Chandrasekhar
(T.C.REDDY)
MEMBER(J)

P.S. Chaudhuri
(P.S.CHAUDHURI)
MEMBER(A)