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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No.

453/90

198

~~XXXXXX~~

DATE OF DECISION 1-5-1991

Smt. Subhangi K. Daftardar Petitioner

Shri H.J. Acharya. Advocate for the Petitioner(s)

Versus

Union of India & Another. Respondent

Shri N.K. Srinivasan. Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. U.C. Srivastava, Vice-Chairman,

The Hon'ble Mr. M.Y. Priolkar, Member(A).

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

Y
(M.Y. PRIOLKAR)
MEMBER (A).

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

①

Original Application No.453/90.

Smt.Subhangi K.Daftardar. ... Applicant.

V/s.

Union of India & Another. ... Respondents.

Coram: Hon'ble Vice-Chairman, Shri U.C.Srivastava,
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:-

Applicant by Mr.H.J.Acharya.
Respondents by Mr.N.K.Srinivasan.

JUDGMENT:-

(Per Shri M.Y.Priolkar, Member(A)) Dated: 1-5-1991

The applicant's prayer in this case is that she should be treated to have been appointed on compassionate grounds from 3.5.1969 and be given all consequential benefits. The applicant is the daughter of a railway employee who died while in service on 9.12.1968. She was engaged as a substitute enquiry-cum-reservation clerk on daily wages. She was granted temporary status after completion of continuous working for six months and eventually absorbed as office clerk on a regular basis with effect from 30.9.1980.

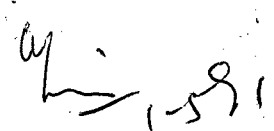
2. According to the respondents, although the applicant's mother had applied for the applicant's appointment on compassionate grounds on 7.2.1969, her application was rejected as her elder son was already employed in Air Force. Although this is disputed by the applicant, we see no reason to disbelieve this statement of the respondents since, admittedly, under the relevant instructions at that time, appointment on compassionate

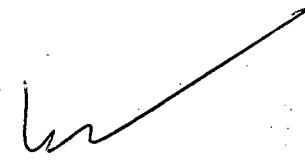
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grounds was not compulsory but discretionary. Evidently, financial position of the family would have been an important aspect to be considered while exercising such discretionary powers. Besides, the order of appointment does not show that it was on compassionate grounds. It is also not disputed that appointments on compassionate grounds are made only against regular posts and not as substitutes or casual workers.

3. The respondents have also stated that the applicant along with four others was interviewed and all of them were appointed between 1969 and 1970 as substitute reservation clerks on daily wages. All these persons, including the applicant, had filed a Writ Petition (W.P. No.1467 of 1980) in Bombay High Court for being treated as absorbed on regular basis from the date of their appointment as substitutes, but it was rejected by the High Court on 30.8.1983 and an appeal filed by them against this judgment has also been rejected on 26.8.1987. But the applicant had not chosen to take this plea in that Writ Petition of 1980.

4. The appointment of the applicant not being on compassionate grounds, we see no justification for any preferential treatment to her over other substitutes who were engaged along with her. This application is, accordingly, rejected as devoid of any merit. There will be no order as to costs.


(M.Y. PRIOLKAR)
MEMBER(A)


(U.C. SRIVASTAVA)
VICE- CHAIRMAN.