

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 710/91 198

Ex-Ax-Box

DATE OF DECISION 15-6-92

1. Smt. Barkubai Sd/O Appa Petitioner
 Lalgude
 2. Shri Bhau Appa Lalgude
 Mr. R C Ravalani Advocate for the Petitioner(s)

Versus

Union of India & Ors Respondent

Mr. R K Shetty Advocate for the Respondent(s)

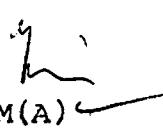
CORAM :

The Hon'ble Mr. Justice S K Dhaon, Vice Chairman

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

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?

MGIPRRND-12 CAT/86-3-12-86-15,000

M(A) 

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO.6
PRESOT ROAD; BOMBAY-1

OA No.710/91

1. Smt. Barkubai Wd/O Appa Lalgude
aged about 57 years;
Occupation Household
2. Shri Bhau Appa Lalgude
Aged about 23 years
Occupation : Nil
Both residing at
C/o. Rajaram Dhindiba Bhage
Langhare Galli
Bhosari, Pune 411039

..Applicants

V/s.

1. Union of India
through Secretary
Ministry of Defence
South Block
New Delhi 11
2. Chief Engineer
Coutthern Command
Head Quarters
Engineers Branch
Pune 1
3. Garrison Engineer
Dehu Road 412 101

..Respondents

Coram: Hon. Shri Justice S K Dhaon, V.C.
Hon. Shri M Y Priolkar, Member (A)

APPEARANCE:

Mr. R C Ravalani
Advocate
for the applicants

Mr. R K Shetty
Counsel
for the respondents

ORAL JUDGMENT: DATED: 15-6-92
(PER: S K Dhaon, Vice Chairman)

One Appa Namdeo Lalgude was a Class IV
employee in the office of Garrison Engineer,
Dehu Road, Pune. On 27-8-1978 he died while
in service. According to the applicants, he
left behind the applicant no.1 widow and
applicant no. 2 a minor son. Applicant no.1
made an application dated 21.10.1988 for being
given an employment on the basis of depart-

(6)

mental instructions dated 30.7.1987. It appears that so far no relevant authority has passed any order rejecting the application. Our attention is being drawn to the communication dated 27.12.87 to the A.O.I(P) purported to have been issued on behalf of Chief Engineer. This communication indicates that the department is not sure as to whether the applicant no.2 is the son of deceased Appa Namdeo Lalgude and the matter rests there.

It is clear to us that now more than a decade has passed since the death of Appa Namdeo Lalgude. Therefore, the request ~~for~~ of the applicant no.2 for being ⁱⁿ ~~an~~ employment will have to be necessarily considered in the light of paragraph 7 of the OM dated 30.6.1987. The relevant authority shall first ascertain as to whether applicant no.2 is the real son of Appa Namdeo Lalgude. For doing so, he shall give an opportunity to the applicant no.2 to prove that he is the son of late Appa Namdeo Lalgude. The authority shall then apply paragraph 7 of the OM dated 30.6.87 and then dispose of the application of the applicant on merits.

With the above directions this application is disposed of finally.


(M Y Priolkar)
Member (A)


(S K Dhaon)
Vice Chairman