

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 499/91

Transfer Application No:

DATE OF DECISION 5-1-1998

R.K.Kulkarni

Petitioner

C.B.Kale

Advocate for the Petitioners

Versus

Superintendent of Post offices
Bhusaval

Respondent

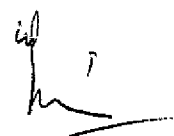
Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri M.Y.PRIOLKAR, MEMBER (A)

The Hon'ble Shri V.D.DESHMUKH, 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 ?


(M.Y.PRIOLKAR)
MA

NS/

(5)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

ORIGINAL APPLICATION NO: 499/91

Ravindra Kamlakar Kulkarni
C/o Shri Sudhakar Pandurang Kulkarni
Tikaram Kala Chawl Milindnagar behind
Birla College Kalyan.
Address for service - C/o Shri C.B.Kale,
Adv. Shree Niwas Kardal Saphale
P.O.Umberpada Taluka Palghar Dist.Thane.

... Applicant

V/s

Superintendent of Post Offices,
Bhusaval.

... Respondent

CORAM : HON'BLE SHRI M.Y.PRIOLKAR, MEMBER (A)

HON'BLE SHRI V.D.DESHMUKH, MEMBER (J)

Appearance

Shri C.B.Kale, Adv.
for the applicant.

Shri V.M.Bendre, Proxy,
for Shri P.M.Prahan,
advocate for the respondents.

ORAL JUDGEMENT

DATED: 5.1.1993

(PER : M.Y.PRIOLKAR, M/A)

The applicant is the first son of an employee of the Postal Department who is stated to be missing from April 1982 and not traceable thereafter. He was working as a Postman in Bhusaval at the time of his disappearance. He was proceeded against departmentally for unauthorised absence and after conducting an ex-parte inquiry, the penalty of removal from service was imposed upon him by order dated 8.6.1983 of the Superintendent of Post Offices Bhusaval Division. Although, this Original Application contains a number of prayers like setting aside the removal order and direction to the respondents to pay family pension, gratuity and other retirement benefits, at the time of admission of this

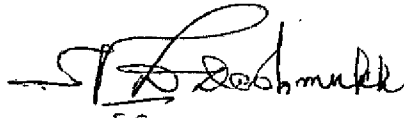
application on 7.10.1991 the learned counsel for the applicant agreed to restrict this Original Application only to the relief 8(b) and accordingly this O.A. had been admitted only in respect of prayer 8(b) which is to the effect that the respondents be directed to give suitable employment on compassionate ground to the applicant.

2. The learned counsel for the respondents contented that the application for compassionate appointment of the applicant was not processed on the ground that his father was removed from service after disciplinary proceedings and dependants of a government employee who is removed from service are not entitled to compassionate appointment. The applicant's father had been removed from service on 8.6.1983 for his absence from April 1982. It is, however not in dispute that the applicant's father who is missing since 1982 has not been heard of since then and, therefore, after completion of 7 years from the date of his disappearance, he should be presumed to be not alive. We are, therefore, of the view that this Original application can be finally disposed of at this stage only by giving directions to the applicant that he should obtain a Civil Death Certificate of his father from the competent authority and thereafter submit a representation to the respondents for setting aside ^{by} ~~of~~ the order of removal imposed on the applicant's father and also for grant of compassionate appointment, giving full details of financial circumstances of the family.

3. We ~~should~~ ^{do}, accordingly, also direct the respondents that in case, such an application is made by the applicant with adequate details, it should be considered expeditiously, say within a period of 8 weeks from the receipt thereof, and a final decision taken regarding compassionate appointment of the applicant after

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taking into account all the facts and circumstances of the case. Needless to say, if the applicant is still aggrieved with the decision of the competent authority in this respect, he will be at liberty to approach this Tribunal again in accordance with law. There will be no order as to costs.


(V.D. DESHMUKH)
MJ


(M.Y. PRIOLKAR)
MA

srl