

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 801/91

~~Transferred to the Bombay Bench~~

DATE OF DECISION 22.1.93

Smt. Parbatibai Damodhar Urkuda Wankhede Petitioner

Smt. Maenaxi Iyer Advocate for the Petitioners

Versus

Engineer-in-Chief, Army Head Respondent
Quarters. New Delhi.

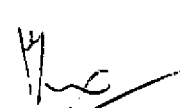
Shri R. Darda Advocate for the Respondent(s)

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)
MEMBER (A)

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CAMP AT NAGPUR

Original Application No. 801/91

Smt. Parbatibai Damodhar Urkuda Wankhede ... Applicant.

V/s.

Engineer-in-Chief,
Army Head Quarters,
Engineer's Branch,
New Delhi - 11

Chief Engineer,
Pune Zone
(Military department
Southern Concern) Pune.

Garrison Engineer
Vayusena Nagar
Air Force
Nagpur.

... Respondents.

CORAM : Hon'ble Shri M.Y.Priolkar, Member (A)

Hon'ble Shri V.D. Deshmukh, Member (J)

Appearance:

Smt. Meenaxi Iyer, counsel
for the applicant.

Shri R.Darda, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 22.1.93

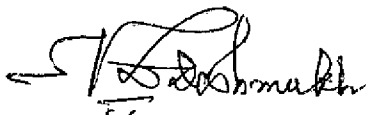
¶ Per Shri M.Y.Priolkar, Member (A) ¶

The grievance of the applicant in this case is that the application of the youngest son of the applicant for compassionate appointment has been rejected by order dated 1.10.83. This application has been filed only on 23.10.1991. The applicant has filed an application for condonation of delay but no convincing reason has been given for condoning the delay. We, therefore, find substance in the contention of the respondents that the application is hopelessly time barred. Even on merits, the applicant does not have a good case.

The applicant is the widow of a permanent Chowkidar who expired on 27.6.86 while in service in the office of the Garrison Engineer, Nagpur. Admittedly,

four elder sons of the applicant are already in service. But they are stated to be living separately and not of much use to the family consisting only of the widow and the youngest son who is 30 years of age. It was admitted during hearing that the widow has already got terminal benefits i.e. Provident Fund and DCRG of about Rs. 50,000/- at the time of death of the employee and she is in receipt of monthly family pension of Rs. 400/-. In these circumstances we do not think that the family is in any indigent circumstances requiring immediate assistance. Therefore we do not think that this is a fit case for interference by the Tribunal. The application is rejected.

There shall be no order as to costs.



(V.D. DESHMUKH)
MEMBER (J)


(M.Y. PRIOLKAR)
MEMBER (A)

NS/

(9)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Review Petition No.24/93
in
O.A. 801/91

Smt. Parvatibai

.. Review Petitioner

-versus-

Engineer in Chief,
Army Head Quarters,
Engineer's Branch,
New Delhi and 2 ors.

.. Respondents

Coram: Hon'ble Shri M.Y. Priolkar, Member(A)

Hon'ble Shri V.D. Deshmukh, Member(J)

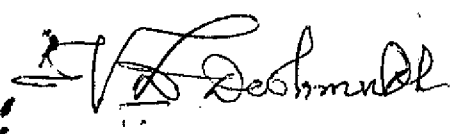
TRIBUNAL'S ORDER ON REVIEW PETITION
BY CIRCULATION

Date: 30.4.93


4. This review application has been filed by the applicant in O.A.801/91 against our judgment dated 22-1-1993 in that O.A. The review of the judgment is sought on the ground that the Tribunal has erred in not condoning the delay in filing the original application and also the statement made in the judgment that four elder sons of the applicant are already in service is not true.

2. We had dismissed the O.A. by our judgment dated 22-1-1993 not only because of limitation but also on merits. No doubt there is probably an error in the judgment as pointed out in the review petition inasmuch as it is mentioned that four elder sons of the applicant are already in service. But this could not have made any difference to the conclusion arrived at in the judgment. The reason given in the judgment why we thought this to be not a fit case for interference by us is that the widow had received terminal benefits of Rs.50,000/- and was

also in receipt of family pension of Rs.400/- per month and merely because there is one able bodied son of 30 years of age still unemployed, the family ~~cannot~~ could not be considered to be in indigent circumstances requiring immediate assistance. The fact that there are only two elder sons in service instead of four as mentioned in the judgment will not, in our view, alter this position. We do not, therefore, find any sufficient reason warranting a review of our judgment dated 22-1-1993. The review petition is rejected.


(V.D.DESHMUKH)
Member(J)

M


(M.Y.PRIOLKAR)
Member(A)