

2

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 363/91
~~XXXXXX~~

198

DATE OF DECISION 5.7.91

SHRI SURESH BAPUSAHEB ADAPPA Petitioner
MANDAKE

Shri S.S. Kulkarni. Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

None for Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. G.SREEDHARAN NAIR, VICE-CHAIRMAN

The Hon'ble Mr. P.S.CHAUDHURI, 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 ?

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

ORIGINAL APPLICATION No.363/91

Shri Suresh Bapusaheb Adappa Mandake,
Nandnikar Galli, Mangalwar Peth,
Miraj, Dist.Sangli-416410

.... Applicant

Vs.

Government of India
Through : Under Secretary,
of Central Board of Excise and
Customs, North Block, New Delhi,
BOMBAY OFFICE and others.

.... Respondents

CORAM : HON'BLE SHRI G.SREEDHARAN NAIR, VICE-CHAIRMAN
HON'BLE SHRI P.S.CHAUDHURI, MEMBER(A)

Appearance :

Mr.S.S.Kulkarni, Adv,

for the applicant

None for the Respondents.

ORAL JUDGMENT

DATED: 5.7.1991

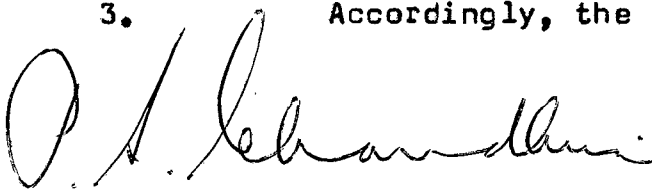
(PER : G.SREEDHARAN NAIR, Vice-Chairman)


Heard counsel of the applicant. The relief claimed in the application is to issue direction to the respondents to appoint/consider the applicant for appointment to the appropriate post in the office of respondents on compassionate ground. The claim is ^{file} to be forwarded on the ground that his father who was working as Superintendent of Central Excise in the office of respondents voluntarily retired from service.

before attaining the age of 55 years, on medical ground. It is stated that the request of the applicant was rejected by the respondents "erroneously and unjustly".

2. It has been laid down by the Tribunal in a series of decisions that compassionate appointment cannot be claimed as a matter of right. The Scheme relating to compassionate appointment of the son/daughter/wife/near relative of Government servant who has been medically invalidated before the attaining the age of 55 years or dies while in service clearly lays down the conditions under which such appointment can be allowed. In a case where the Competent Authority has considered the request in the light of the scheme and has rejected the same on the ground that it is not warranted by the same, there is no scope for judicial interferences. It is clearly laid down in the O.M. Dated 25.11.1978 issued by the Ministry of Home Affairs that only if the retirement is on medical ground before attaining the age of 55 years the claim can be put forward by the son/daughter/near relative for compassionate appointment. There is nothing on record to show that the father of the applicant was allowed to retire on medical ground. As such the Competent Authority cannot be faulted for negating the request of the applicant.

3. Accordingly, the application is rejected.


(P.S. CHAUDHURI)
MEMBER(A)


(G. SREEDHARAN NAIR)
VICE-CHAIRMAN