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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH.

Original Application No. 923/92

~~Transferred Application.~~

Date of decision 17.6.93

Shri Sanjay Ajitkumar Thawani Petitioner

Shri V.M.Bendre, Advocate for the Petitioner

Versus

Union of India and others, Respondent

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

Coram :

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

The Hon'ble Shri

1. Whether the 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 ?



(V.D. DESHMUKH)
MEMBER (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 923/92

Shri Sanjay Ajitkumar Thawani

... Applicant.

V/s.

The Union of India through
the General Manager,
Western Railway, Churchgate
Bombay.

The Divisional Railway Manager
Bhavnagar Para, under G.M.
Western Railway, Churchgate,
Bombay.

... Respondents.

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

Appearance:

Shri V.M. Bendre, counsel
for the applicant.

Shri N.K. Srinivasan, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 17.6.93

(Per Shri V.D. Deshmukh) Member(J))

The application is admitted and taken for hearing. The pleadings are complete, and I heard ^{the} ~~the~~ counsels for the parties. The applicant ^{is} ~~was~~ working as Station Master in Western Railway and he expired on 23.10.80 while in service. The applicant was minor at that time. The applicant for the first time filed an application for appointment on compassionate ground on 9.7.90. It appears that the applicant attained the majority in 1985 as it is stated ~~by the~~ ^{that is} counsel for the applicant, the applicant was about 23 years old when the application was filed. The application was initially rejected on the ground of delay. However the General Manager under his special power and on representation of the applicant relaxed the time limit and the applicant was appointed in class IV category under order dated 15.5.92.

The applicant has not yet joined the post and has challenged the order by the present application. It is the contention of the applicant that as per his qualification he is entitled to appointment in class III and proper directions may be given to the respondents in that respect. Mr. Bende appears on behalf of the applicant makes a statement that he would not press the relief that the appointment order vide letter dated 15.5.92 be quashed and the applicant will join the post and the respondents be directed to consider the applicant for class III post as and when they consider the candidates for compassionate appointment in class III.

Considering the circumstances in which the compassionate appointment was given to the applicant I find that it would be just and proper to give these directions only and dispose of the present application.

Hence the following order:

Challenge to the 15.5.92
 The impugned order dated 15.5.92 is not pressed. The applicant makes a statement through his advocate that he will accept the appointment and join the post as per the impugned order dated 15.5.92. The respondents are directed to consider the applicant on the basis of his application dated 9.7.90 as and when they consider the candidates for compassionate appointment in class III (group 'C') post, provided the applicant is eligible as per relevant rules and regulations. There shall be no order as to costs.



(V.D. DESHMUKH)
MEMBER (J)