

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 1135/92
T.A. NO:

199

DATE OF DECISION 10.9.1993

Smt. K. Godeswar & Anr.

Petitioner

None

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mrs. Thomson for Mr. Darda

Advocate for the Respondent(s)

CORAM:

The Hon'ble Ms. Usha Savara, Member (A)

The Hon'ble Mr.

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 ?

U. Savara
(MS. USHA SAVARA)
MEMBER (A)

mbm*

1-
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

CAMP : NAGPUR

OA.NO. 1135/92

Smt. Kamalabai Godeswar & Anr. ... Applicants

V/S.

Union of India & Ors. ... Respondents

CORAM : Hon'ble Member (A) Ms. Usha Savara

Appearance

None for the Applicants

Mrs. Thomson
for Mr. Ramesh Darda
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 10.9.1993

(PER: Usha Savara, Member (A))

The application has been filed with the prayer that the respondents be directed to appoint Applicant No. 2 to any suitable post and they may be directed to allow the applicants to retain the present accommodation till the appointment is given and on appointment the aforesaid quarter be allotted in the name of Applicant No. 2.

2. Reply has been filed on behalf of the respondents. It is submitted by them that the applicant received Rs.50,000/- under the various beneficiary schemes applicable to Central Govt. employees. Besides, she is in receipt of monthly pension of Rs.535/- plus relief thereon. It is contended by the respondents that this was considered enough to make a living considering that she has no liability as such. Hence, there was no merit in the request that her son be given a compassionate appointment.

(8)

It is also the case of the respondents that there are two other earning members in the family. In the circumstances, the applicant cannot be considered to be in dire need. In view of the above facts, the General Manager, Ordnance Factory, Ambazari had refused appointment to the applicant's son. The case was also referred, as per the directions of the Tribunal to the Ordnance Factory Board for consideration and after considering the facts the Ordnance Factory Board has upheld the decision of the General Manager by letter dated 23.9.1992.

3. Compassionate appointment is not a matter of right. The object of giving such an appointment is to ensure that the family of the deceased employee be given assistance if they are in dire circumstances. From the narration of the facts, it is clear that two sons of the applicant are already employed on a regular basis. ^{W. applicant} She is in receipt of monthly pension amounting to Rs.535/- plus D.A. and had also received lump sum payment of Rs.50,000/-. The decision of the respondents is based on due consideration of these facts and the merits of the case have been looked into and then a decision has been taken by the respondents.

4. In view of the above, there is no merit in the application and I am unable to give relief to the applicant in any way. It is submitted by the respondents that the quarter has already been vacated by the applicant.

5. The application is dismissed without any order as to costs.

U. Savara
10.9.93,
(MS.USHA SAVARA)
MEMBER (A)

R.A. No. 70/94. in
O.A. No. 1135/92.

(9)

The R.A. No. 70/94 was to be heard by the Single Member Bench comprising Hon'ble Ms.Usha Savara, M(A). Since the Hon'ble Ms.Usha Savara has been retired.

The Hon'ble Vice Chairman, Shri Justice M.S.Deshpande may kindly be constitute a Bench for hearing the Review Application.

22/6/94
Section Officer

22/6/94
Deputy Registrar.

By virtue of the powers vested in me vide para 3 of the C.A.T. Notification No.13/14/91-JA dated 18-2-92, I hereby constitute a Bench consisting of the Hon'ble V.C. for deciding the R.A. No. 70/94.

The said bench will take up the matter for consideration on Week comming for
11-7-94
Notice be issued to parties.

Notice issued to applicants on 28/6/94

Mr. 1
(M.S.Deshpande)
Vice Chairman

MSD

RP No. 70/94
with MP No.
602/94 for
condonation
of delay.

Date - 11-7-94

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20.6.

Held Mr. Lahiri Counsel for applicant.
M.P. No. 602/94 for Condonation of delay
in filing R.P. no. 70/94 allowed.
There is no error apparent on the
face of record.
The learned member took into
consideration the fact that two of the
applicant's sons were employed
and that she was in receipt of
Rs. 50,000/- and also the family
pension.

What is being urged now is that the
two sons were residing separately
and were not maintaining their
mother and that the amount of
Rs 50,000/- was distributed amongst
the two sons after clearing the loans.
If at all it could be non-consideration
of material before the Tribunal but is
beyond merits of the case.

The Review Petition is devoid of
any merit and is dismissed.

Ordered dtd. 11.7.94
Sachin Counsel for
respondent on 14/7/94
& counsel for applicant
on 16/7/94 by Ordinary Post

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117794

(M. S. Deshpande)
V.C.