

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 1150/92

Transfer Application No: ---

DATE OF DECISION 29-9-93

Shri Chandrakant B.Gadge

Petitioner

Mr.D.V.Gangal

Advocate for the Petitioners

Versus

Union of India & another

Respondent

Mr.R.K.Shetty

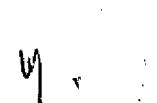
Advocate for the Respondent(s)

CORAM:

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

The Hon'ble ~~Shri~~ Smt.Lakshmi Swaminathan, Member(J)

1. ~~whether Reporters of local papers may be allowed to see the Judgement?~~ No
2. To be referred to the Reporter or not ? No
3. ~~whether their Lordships wish to see the fair copy of the Judgement?~~ No
4. Whether it needs to be circulated to other Benches of the Tribunal ? No

  
(M.Y.Priolkar)  
M(A)

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NS/

(7)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.1150/92

Shri Chandrakant B.Gadge,  
R/No.517, K Tupe Rly.Qtr.  
Thadiwala Road, Sweepers Chawl,  
Nadikinara,  
Pune - 411 001. .. Applicant

-versus-

1. The Union of India  
through  
Secretary,  
Ministry of Defence,  
South Block,  
New Delhi - 110 001.
2. Commandant Central Army  
Fitting Vehicle Depot,  
Khadki, Pune - 411 003. .. Respondents

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

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Appearances:

1. Mr.D.V.Gangal  
Advocate for the  
Applicant.
2. Mr.R.K.Shetty  
Counsel for the  
Respondents.

ORAL JUDGMENT: Date: 29-9-93  
(Per M.Y.Priolkar, Member(A))

The grievance of the applicant  
in this case is that his application for com-  
passionate appointment has been rejected by the  
respondents.

2. The applicant's father who was  
serving as a Packer in Central Army Fitting  
Vehicle Depot died on 24-6-71 while the applicant  
was just four years old. It is stated that the  
applicant's mother due to shock of the death  
of the husband became a lunatic and was in the  
Mental Hospital from 1971 to 1992. The applicant  
spent his childhood in the Missionary Orphanage

and later on in a home for destitute children. According to him he came to know about the mother being in the mental hospital only on 23-7-90 and thereafter he applied for compassionate appointment for himself as well as for pensionary benefits to the mother. While the applicant's mother was granted provisional pension by letter dt. 3-4-92 the applicant's request for compassionate appointment was rejected by letter dt. 12-4-91 only on the ground that his case could not be considered at this "belated stage" since relaxation to normal rules are offered on compassionate grounds within five years from the date of demise of the government employee.

3. Learned counsel for the respondents argued that apart from this general instruction that this is a compassionate appointment, to be considered within five years from the date of death of the employee, it appears that the family was not in need of immediate assistance since they have carried on for more than 25 years after the death of the applicant's father without any assistance from Govt. or without any pensionary benefits.

4. We are unable to agree with this contention. Admittedly the respondents have not made any enquiry regarding the financial condition of the family or even whether the applicant was gainfully employed or not. They seem to have mechanically relied on the five years time limit prescribed by the administrative instructions. According to the learned counsel for the applicant, the applicant is still unemployed and the mother

of the applicant is presently discharged on Parole has been staying with the applicant since 8-4-92. The only brother of the applicant is stated to be missing since long and his whereabouts are not known. In this ~~circumstances~~ we think that the respondents should have atleast made proper enquiries about the condition of the family before rejecting the application of the applicant for compassionate appointment. It is observed from annexure at page 41 that by circular dt. 9-3-90 the earlier instructions on the subject have been amended providing specifically that no case for compassionate appointment is to be ordinarily accepted which is more than 10 years old. The word ordinarily shows that there is no rigid time limit for considering such cases and such cases are to be decided on merits of the facts of each case.

5. In the present case we are satisfied that the applicant deserves \* appointment on compassionate ground. The respondents are directed to offer appointment on compassionate ground to a suitable post to the applicant as per rules. This may be done latest within a period of six months from the date of receipt of a copy of this order. In case any waiting list for appointment on compassionate ground is maintained by the respondents the applicant's name may be included in the waiting list in compliance of this judgment as on 12-4-91, the date on which <sup>hi</sup> the application for compassionate appointment was rejected by the respondents. No order as to costs.

Lakshmi Swaminathan  
(Smt. Lakshmi Swaminathan)  
Member (J)  
M

M.Y. Priolkar  
(M.Y. PRIOLKAR)  
Member (A)