

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

Original Application No: 596/92

Transfer Application No: ----

DATE OF DECISION 16-9-93

Smt. Sakhubai Dhaniram Gadpayle

Petitioner

Mr. V. Sohoni

Advocate for the Petitioners

Versus

U.O.I. & Ors.

Respondent

Mr. R. Darda

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S. Deshpande, Vice-Chairman

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

1. ~~Whether Reporters of local papers may be allowed to see the Judgement ?~~
2. To be referred to the Reporter or not ? *no*
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 ? *no*

[Signature]
(M.S. DESHPANDE)
VC

M

NS/

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A.596/92

Smt. Sakhubai Dhaniram Gadpayle,
Quarter No.5/51/4, Type-II,
Ordnance Factory Ambazari Estate P.O.
Ambazari, Nagpur - 21.

.. Applicant

-versus-

1. Union of India
through
Secretary
Defence Production,
South Block,
New Delhi - 110 011.

2. The Chairman/DGOF
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta.

3. The General Manager,
Ordnance Factory,
Ambazari,
Nagpur - 440 021.

4. The Estate Officer,
Ordnance Factory,
Ambazari,
Nagpur - 440 021.

5. The Labour Officer,
Ordnance Factory,
Ambazari,
Nagpur - 400 021.

.. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande
Vice-Chairman

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

Appearances:

1. Mr. V. Sohoni
Advocate for the
Applicant.

2. Mr. R. Darda
Counsel for the
Respondents.

ORAL JUDGMENT:

Date: 16-9-93

(Per M.S.Deshpande, V.C.)

The applicant who seeks compassionate
the
appointment after/demise of her husband while he
was in service on 15-7-91, contends that she is
living away and her only son who is gainfully
employed does not care for her. She has spent
about Rs.20,000/- on the treatment of her husband


9

and that loan is still to be repaid.

The respondents reply is that the applicant is in receipt of Rs.85,208/- as terminal benefits and Rs.735/- p.m. as pension and she is not entitled to compassionate appointment.

2. We heard the learned counsel at length. It is apparent that the applicant has received Rs.85,208/- as terminal benefits and is in receipt of pension. According to the learned counsel for the applicant half of terminal benefits were taken by her son but there is no material on record, not even an averment that half of the terminal benefits were taken away by her son. The second contention is that the pension of Rs.735/- would be reduced to half after a few years and the applicant would be required to starve. The department when it was asked to consider the question after the applicant had filed the first application, ~~on 26-3-92~~ vide letter dtd. 26-3-92 it was stated that the appointment cannot be granted to the applicant on compassionate ground because she had no liability on account of dependents and also the pecuniary circumstances do not warrant for compassionate ground appointment.

3. The applicant's contention is that no reply has been given to the three instances where compassionate appointment was granted to the dependents of S/Shri L.V.Dhabekar, D.A.Ghavat, and B.L.Gogia. It is true that there is no reply in the written statement of the respondents



70

to these instances but it is apparent that ~~these~~^{this} material, which had also been alleged in the earlier application, had been taken into consideration by the authority when referred to them.

4. In the circumstances we are satisfied that the order dt. 26-3-92 and the earlier ~~xxxx~~ reply dt. 29-11-91 were passed after due application of mind and no interference is called for. All the interim orders vacated. The application is disposed of accordingly.

h. Savara
(USHA SAVARA)
M(A)

M.S. Deshpande
(M.S. DESHPANDE)
V.C.

M