

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Review Application Number 65 of 1993 in

Dated: 14-12-93

APPLICATION NO(s) 477 of 1993.

APPLICANTS: Subhas Bheemappa RESPONDENTS: Secretary, Central Board of
Doddamani v/s. Excise & Customs, NDelhi & Others.

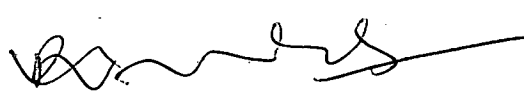
TO.

1. Sri.S.P.Kulkarni, Advocate,
2593, 11th Main, E-Block,
Rajajinagar II Stage,
Bangalore-560 010.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 26-11-1993.


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

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Received
order copy
14/12/93

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

REVIEW APPLICATION NUMBER 65 OF 1993

DATED THIS THE 26TH DAY OF NOVEMBER, 1993

Mr. Justice P.K. Shyamsundar, .. Vice-Chairman.

And

Mr. V. Ramakrishnan, .. Member(A).

Subhas Bheemappa Doddamani,
Aged 34 years,
R/o Balaganur, Taluk: Gadag,
Dist: Dharwad.

.. Applicant.

(By Advocate Shri S.P. Kulkarni)

v.

1. The Union of India,
represented by its Secretary,
Central Board of Excise & Customs,
Department of Revenue,
Ministry of Finance,
New Delhi.

2. The Collector of Central Excise,
C.R. Buildings, P.B. No. 5400,
Queens Road, Bangalore-560 001.

.. Respondents.

ORDER

Mr. Justice P.K. Shyamsundar, Vice-Chairman:

Heard Mr. S.P. Kulkarni, learned counsel for the applicant.
We see no good reason to review our order passed while disposing
off O.A. no. 477 of 1993. This review application is, therefore,
rejected. No costs.

After we dictated the order as above, Sri Kulkarni asked
us to say that the observations made in the original order taking
note of the circumstance the applicant herein was already 34
years of age ^{being} and having his fitment into any vacancy will be
subject to relaxation of age requirement to be done by the de-
partment, should not come in the way of others in ^a similar predic-
ament. Of course we need hardly emphasise if the department
wants to relax the age criteria in any given case it is upto



to them to pass appropriate orders in that behalf making it clear that our decision in this case should not be treated as a precedent for rejecting the claims of all over aged ^{candidate} ~~evidently~~ seeking fitment on compassionate grounds. The department can still exercise its discretion by relaxing the age requirement.

Sd-
MEMBER(A)

Sd- [Signature]
VICE-CHAIRMAN.

np/

TRUE COPY

[Signature]
**SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE**

12/11/2893

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 1ST DAY OF OCTOBER, 1993.

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PRESENT:

Hon'ble Mr. Justice P.K. Shyamsundar,

.. Vice-Chairman.

And

Hon'ble Mr. V. Ramakrishnan,

.. Member(A).

APPLICATION NUMBER 477 OF 1993

Subhas Bhimappa Doddamani
B.A. Graduate,
Aged about 34 years,
R/o Balaganur, Tq. Gadag,
District Dharwad.

.. Applicant.

(By Sri S.P. Kulkarni, Advocate)

v.

1. The Union of India
represented by its Secretary,
Central Board of Excise and Customs
(Department of Revenue),
Ministry of Finance, New Delhi.
2. The Collector of Central Excise,
Central Revenue Building,
P.B.No. 5400, Queen's Road,
Bangalore-560 001.

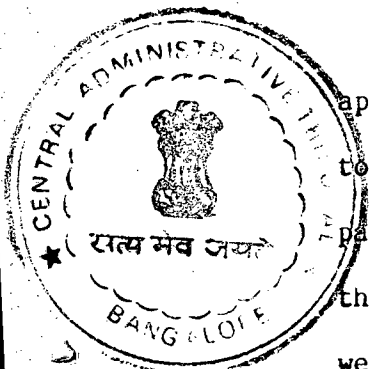
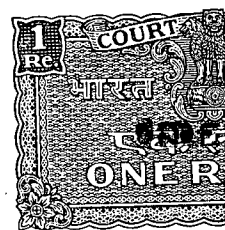
.. Respondents.

(By Sri M.S. Padmarajaiah, Standing Counsel)

This application having come up for admission to-day after notice, Hon'ble Vice-Chairman made the following:-

ORDER

We have heard Sri S.P. Kulkarni, learned counsel for the applicant. We are sorry we have to plead our inability to accede to his request for a placement in the Excise Department on compassionate grounds. It transpires, his father having died in the year 1946, the applicant in the meanwhile who was a minor went on pursuing his studies and ultimately became a graduate in commerce in the year 1979. Apparently after he became a graduate, he began pursuing his claim for a job with the Central Government on compassionate grounds. When his claim was rejected on the first occasion, he came to us and at our behest he was again considered and discarded.



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2. We must observe that appointment on compassionate grounds afford limited openings. It is meant for giving succour to the members of the family of a dead employee if they are left high and dry with the bread winner being removed from the scenario all of a sudden. We do not know under what circumstance the applicant's father died in the year 1962. But, the fact remains, the applicant had sustained himself on his own till the year 1979 when he became a commerce graduate. This circumstance shows that the applicant or the members of his family were not in dire straits as to warrant his placement with the Central Government on compassionate grounds. This apparently is also the view of the department and we see nothing wrong therein.

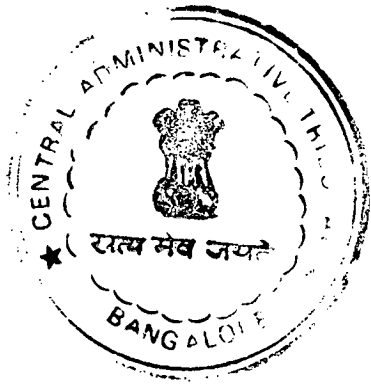
3. Sri Kulkarni wants us further to issue a direction to the department to accommodate the applicant in some job. We are afraid we cannot give such a direction. Compassionate appointments, technically speaking are placements which are generally contrary to Recruitment Rules and in this case we find the applicant is overaged being 34 years old as on this day. Under the circumstances unless there is age relaxation, the applicant cannot possibly be entertained for a Central Government appointment. Relaxation of age limit is certainly for the department to consider and unless ofcourse there is any overriding need for the department to acquire the services of the applicant, probably that will not ^{be} done. That however, is an aspect which incidentally arises for consideration. We have only indicated the problems arising in entertaining the applicant's request for appointment with the Central Government. Apparently, he is a commerce graduate and we think that it is not necessary for him to wait eternally in the wings for a job to fall on his lap from the Central Government canopy but he should do something on his own for making a useful living.

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In that view we think it inappropriate to interfere in this matter on any ground and therefore dismiss this application with no order as to costs.

Sd-
MEMBER(A)

Sd-
VICE-CHAIRMAN.



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SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

[Signature] 27/10/83