

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
BANGALORE- 560 038.

Dated: 29 NOV 1994

APPLICATION NO: 1091 of 1994

APPLICANTS:- Smt. Mangala D. Baba.  
v/s.

RESPONDENTS:- Dr. Engineer (Adm & Plng). Telenet Mix Banks

T.

1. Sri. A. S. Bopanna,  
Advocate,  
87, 11<sup>th</sup> floor,  
Kumarepet Kempa Rd,  
Bangalore - 1

2. Sri. M. V. Rao  
Adv. C.G. S.C.  
High Court Bldg  
Bangalore - 1

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

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Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above  
mentioned application(s) on 16th November, 1994

SLC  
Issued on 29/11/94  
Copy

for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

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CENTRAL ADMINISTRATIVE TRIBUNAL,  
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 1091/ 1994

WEDNESDAY, THE 16TH DAY OF NOVEMBER, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR

... VICE CHAIRMAN

SHRI T.V. RAMANAN

... MEMBER (A)

Smt. Mangala D. Baba,  
residing at No. 23-9-601/17  
Site No. 79, Mangala Nagar,  
Near Mangala Devi Temple,  
Mangalore - 575 001.

... Applicant

( By Advocate Shri A.S. Bopanna )

vs.

1. Divisional Engineer,  
(Admn & Plg),  
Telecom District,  
Mangalore - 575 001.

2. General Manager,  
Telecom District,  
Old Kent Road,  
Mangalore - 575 001.

... Respondents

( By Advocate Shri M.V. Rao, Additional  
Central Government Standing Counsel )

O R D E R

Shri Justice P.K. Shyamsundar, Vice Chairman

The applicant has sought for an appointment in the  
Telecommunication Department on compassionate grounds alleging that  
her mother while in service having died, she has asked for being  
placed in service on compassionate grounds but that claim has since  
been rejected.



2. It transpires from the pleadings of both sides that the applicant was well endowed by her mother who had left a house in Mangalore to be shared by the applicant and her brother. What more, under a will of the mother, her erstwhile husband had been authorised to collect the family pension so that he could take care of the children. It also transpires certain amounts like bonus, etc. were authorised by the children viz., the applicant and her brother to be collected by their father who happens to be admittedly a practicing Advocate at Mangalore.

3. While, it is true, the father and the mother of the applicant had ~~a divorce~~ but, the fact remains the mother had commended her children to the care and custody of her erstwhile husband and the children had themselves had trust in their father, sufficient to allow him to receive monetary benefits from the department on their behalf. The fact also remains the mother had authorised her former husband to collect the family pension with the intention of he being in the maintenance of the children. There is no allegation that the father had betrayed the trust in any manner and had been neglecting the children.

4. We are told the applicant is staying in the house built by the mother and is presently pursuing academic studies directed towards acquiring a Bachelors degree in Commerce. It also transpires from the pleadings, the brother of the applicant is studying for medicine. All these indicate that the father ~~was~~ was steadfastly discharging the obligation towards his children and it cannot be said that all this could be met with, by the family pension the father was receiving from the department. Certainly, much more from the father must have come.

Their father must be contributing his mite for the benefit of the children.

5. From the foregoing, it follows that this is not a case in which the applicant is in such dire economic situation and is therefore required to be assisted by the department by appointing her to some position in the department.

6. Under the circumstances, this application fails and is dismissed.

Sd/-

( T.V. RAMANAN )  
MEMBER (A)

Sd/-

( P.K. SHYAMSUNDAR )  
VICE CHAIRMAN



TRUE COPY

29/5/94  
Section Office  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore