

(13)

CAT/J/12

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 1090/93  
T.A. No. --

198

DATE OF DECISION 20-12-93

Ganesh Pandurang Vispute Petitioner

Mr. D.V. Gangal

Advocate for the Petitioner(s)

Versus

U.O.I. & anr.

Respondent

Mr. P.R. Pai

Advocate for the Respondent(s)

CORAM

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

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 ? ND
3. ~~Whether their Lordships wish to see the fair copy of the Judgement ?~~
4. Whether in needs to be circulated to other Benches of the Tribunal ? ND

(M.S. DESHPANDE)  
VC

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.1090/93

Shri Ganesh Pandurang Vispute,  
"Pandurang Nivas"  
Opp.Bhusaval High School,  
Datta Nagar, Juna Satara Area,  
Bhusaval - 425 201, Jalgaon.

.. Applicant

-versus-

1. Union of India  
through  
The General Manager,  
Central Railway,  
Bombay V.T.

2. Divisional Railway Manager,  
Central Railway,  
Bhusawal.

.. Respondents

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

Appearances:

1. Mr.D.V.Gangal  
Advocate for the  
Applicant.


2. Mr.P.R.Pai  
Counsel for the  
Respondents.


ORAL JUDGMENT:  
(Per M.S.Deshpande, V.C.)

Date:20-12-93

This is an application for  
compassionate appointment by the son of the  
deceased Pandurang Raghunath Vispute who was  
working as Office Superintendent Grade II at  
Works Accounts Branch, Budge Section, DRM(W)  
Bhusawal. He died on 27-4-91 leaving his widow,  
three sons and two married daughters. The appli-  
cant's contention is that he was totally dependent  
on his father and he made an application for  
compassionate appointment but that came to be  
rejected on 20-6-91. He thereafter made several  
representations to the department but <sup>they were</sup> ~~nothing~~  
were answered. The applicant has filed an  
application for condonation of delay giving

the details of the representations made and having regard to the <sup>fact</sup> representations that none of the representations were answered I do not think that the delay of one year three months, which has been caused on account of representations, which met with no reply should come in the way of the applicant. The delay is condoned. MP disposed of.

2. On merits the contention of the respondents is that the applicant is an able bodied person of 32 years and has two children and that the legal representatives of the applicant were in receipt of large amount of terminal benefits and that the widow is getting a pension of Rs.900/-pm and Rs.750/- as relief. The order rejecting the application did not give any reasons why the applicant was not considered. In view of the Division Bench decision of this Tribunal in O.A.938/92 decided on 12-7-93, Vilas Kashinath Mistry & another vs. Union of India & Ors, the fact that the applicant was in receipt of terminal benefits of the late <sup>would</sup> father  not come in the way of his application for compassionate appointment. It is not the contention of the respondents that the applicant has a job and that he is independent, from his father. In these circumstances the rejection of his application cannot be sustained.

3. The respondents <sup>are</sup>  directed to grant compassionate appointment to the applicant within three months from the date of communication of this order. O.A. disposed of with this direction.