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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1187/93

Transfer Application No:

DATE OF DECISION: 2.9.94

Smt. Laxmibai Hindurao Gotpagar Petitioner
And Anr.

Shri S.V. Kadam

Advocate for the Petitioners

Versus

Union of India and others Respondent

Shri V.S. Masurkar

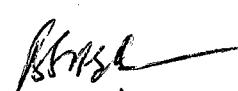
Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble Shri

1. To be referred to the Reporter or not ?
2. Whether it needs to be circulated to other Benches of the Tribunal ?


(B.S. Hegde)
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

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Original Application No. 1187/93

Smt. Laxmibai Hindurao Gotpagar

Anand Hindurao Gotpagar

Bharat Hindurao Gotpagar

... Applicants.

v/s.

Union of India through
the Secretary,
Department of Telecommunication
Sanchay Bhawan,
New Delhi.

The Chairman, Telecom Commission,
Dept. of Telecommunication
Telecom Factory, Deonar,
Bombay-88

General Manager,
Telecom Factory,
Deonar, Bombay.88.

... Respondents.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Appearance:

Shri S.V.Kadam, counsel
for the applicant.

Shri V.S.Masurkar, counsel
for the respondents.

ORAL JUDGEMENT

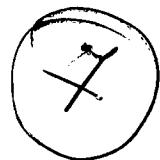
Dated: 2.9.94

(Per Shri B.S. Hegde, Member (J))

Heard counsel for the parties.

2. The short point for consideration is whether the compassionate appointment sought ~~for~~ by the applicant ~~is~~ justified. The respondents in their reply stated that Shri S.H. Gotpagar ~~was~~ an employee of this factory and was working in the capacity of Chowkidar in Group 'd' Cadre.

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He joined this organisation on 4.2.1954 and was due to retire on 10.7.89 on attaining the age of superannuation i.e. 60 years. However he expired on 10.7.88 while in service just one year prior to the date of his retirement. The widow of the deceased employee Smt. Laxmibai H. Gotpagar submitted an application requesting for providing



employment to Shri Anand H. Gotpagar second son on compassionate grounds. According to the family details the family consists of widow, three sons and two daughters. The first son is working in Telecom Factory. He is a permanent employee. Both the daughters have already married. The family had received an amount of Rs. 33,990/- as gratuity, Rs. 10249/- as Group Insurance and Rs. 897/- as GPF balance at the credit of the employee. In addition the family is receiving pension of Rs. 650/- and D.A. at the rate of 97 % on the pension per month.

3. In view of the Supreme Court decision in Umeshkumar Nagpal V/s State of Haryana(1994)27 ATC 537, ~~but~~ that mere death of an employee in harness does not entitle his dependent to a job. Financial condition of the family must be taken into account. A job on compassionate ground cannot be offered as a matter of course irrespective of financial condition.

4. In the light of the above, I am of the view that the O.A. does not survive. In the circumstances O.A. is dismissed. No order as to costs.


(B.S. Hegde)
Member (J)

NS