

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(5)

BOMBAY BENCH

O.A. No. 194/93

T.A. No. --

198

20-12-93

DATE OF DECISION

Mrs. Sobha Dilip Bhosle

Petitioner

Mr. S.N. Pillai

Advocate for the Petitioner(s)

Versus

Union of India &amp; Ors.

Respondent

Mr. J.G. Savant

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 ?
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 ?

(M.S. DESHPANDE)

V.C.

M

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Q.A.194/93

Mrs. Sobha Dilip Bhosle,  
Milind Nagar, Near T Cabin,  
Kalyan East, Thane Dist.

.. Applicant

-versus-

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

2. The Divisional Railway Manager,  
Bombay Division,  
Central Railway,  
Bombay V.T.

.. Respondents

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

Appearances:

1. Mr. S.N. Pillai  
Advocate for the  
Applicant

2. Mr. J.G. Savant  
Counsel for the  
Respondents.

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

Date: 20-12-1993

This is an application by the applicant who is the widow of a deceased employee for compassionate appointment. One Dilip Baburao Bhosale was appointed as Khalsi on 19-2-79. He died while in service on 10-4-91 after putting in about 12 years service. Applicant filed an application for compassionate appointment on 1-5-91 but that request was rejected by letter dt. 8-6-92 on the ground that the DAR case for bogus casual labour card was proceeding against him at the time of his death on 10-4-91.

2. The applicant has stated how she is eligible for being appointed on compassionate ground and this has not been controverted in the

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reply filed by the respondents. The contention of the learned counsel for the respondents, based on the averments made in the reply, is that the applicant would not be entitled to compassionate appointment because the compassionate appointment can be made only <sup>of</sup> to the relations of a bonafide railway employee and since an enquiry had already been initiated against the deceased Dilip Baburao Bhosle because he had obtained employment on the basis of bogus card the applicant would not be entitled to compassionate appointment.

3. It is clear that initiation of a disciplinary proceeding ~~is~~ itself is not a disqualification for getting compassionate appointment by the dependents of the deceased employee. Since the enquiry had not been concluded during the life time of Dilip Bhosle it cannot be said that the fact that he was not a bonafide employee has been established. The enquiry had abated upon his death and considering the period of 12 years during which he was employed by the respondents, it cannot be said that the applicant would be disqualified from applying for compassionate appointment upon Dilip Bhosale's death.

4. No other reasons has been given for denying compassionate appointment to the applicant and since the eligibility has not been disputed I direct the respondents to give compassionate appointment to the applicant within a period of three months from the date of receipt of this order. O.A. disposed of accordingly.

M

(M.S.DESHPANDE)  
V.C.