

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 248/93

Transfer Application No: ---

DATE OF DECISION 15-10-93

Smt. Anita Ankush Todankar  
Petitioner

Mr. G. S. Walia  
Advocate for the Petitioners

Versus  
Union of India & Ors.

Mr/P/R/Pai Respondent

Mr. P. R. Pai  
Advocate for the Respondent(s)

CORR:

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

The Hon'ble Shri

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? M
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

.....  
(M. S. DESHPANDE)  
VC

NS/ M

(5)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.248/93

Smt. Anita Ankush Todankar,  
Railway Quarter  
No.RB/1/118/5, Matunga,  
Central Railway,  
Bombay - 400 019.

.. Applicant

-versus-

1. Union of India  
through  
General Manager,  
Central Railway,  
Bombay V.T.  
Bombay - 400 001.

2. Chief Workshop Manager,  
Central Railway,  
Matunga, Bombay - 400019.

.. Respondents

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

Appearances:

1. Mr.G.S.Walia  
Advocate for the  
Applicant.

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

ORAL JUDGMENTA: Date: 15-10-93  
(Per M.S.Deshpande, V.C.)

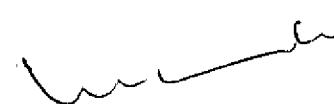
The order which is being questioned here is w the one dt. 31-1-92 by which the authorities declined to grant compassionate appointment to the applicant who is the widowed sister of deceased railway employ Sanjay Vilankar who died on 9-9-91. The applicant claims to be a dependent of the deceased and a person in distress and sought compassionate appointment. By order dt. 31-1-92 the applicant was informed that her case for appointment on compassionate ground could not be considered as it was not covered by the extant rules.

(b)

2. It is apparent that from the Railway Board's letter dt. 19-9-84 that dependents of the employees are eligible for compassionate appointment. The learned counsel for the respondents relied on the Master Circular dt. 12-12-90 in order to urge that widowed sister could not be held to be eligible for compassionate appointment. But this submission does not seem to be correct in view of the clear provision of part-III of the Master Circular which enables a near relative of the deceased to seek compassionate employment. The authorities were clearly in error in excluding the applicant from the category of persons who could seek compassionate appointment. No reasons have been given by the authorities, apparently because the applicant was considered ineligible for compassionate appointment.

3. The matter must therefore go back to the appropriate authority to consider the case of the applicant in view of her eligibility for compassionate appointment. The applicant should furnish all the requisite details to the authorities to enable the authorities to take proper decision. This should be done within two months from the date of communication of this order. Meanwhile the applicant should not be evicted from the quarter which is occupied.

4. The application is disposed of accordingly.

  
(M.S.DESHPANDE)  
VC