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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY.

Original Application No.285/93.

Shri M.H.Sawant.

.... Applicant.

V/s.

Union of India & Ors.

.... Respondents.

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

Appearances:-

Applicant by Shri K.D.Kulkarni.

Respondents by Shri P.M.Pradhan.

Oral Judgment:-

[Per Shri M.S.Deshpande, Vice-Chairman] Dt. 2.2.1994.

Heard counsel for the parties. In view of the reasons given in the application for condonation of delay, the delay is condoned.

2. Harischandra G.Sawant, the present applicant's father had retired on medical grounds on 26.12.1987. His son filed the present application in 1993. Harischandra was granted invalid pension before he died on 13.1.1994. On 7.11.1990 his application for commutation of pension was rejected because of the adverse report made by the Medical Board. The applicant's mother was ailing and was receiving treatment in Abhay Clinic and Hospital at Sangli and was dependent on the deceased Harischandra entirely. The applicant's application for compassionate appointment was dismissed by the Respondents on 7.11.1990 without giving any reasons for refusing to give /

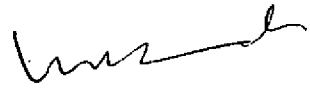
....2.

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compassionate appointment and he has therefore approached this Tribunal for a direction to the Respondents to grant him a compassionate appointment.

3. The only ground on which the Respondents learned counsel opposed the application is that the applicant is not an indigent person. It is difficult to accept this submission because there is no mention regarding the resources of the applicant. The applicant evidently was dependent on his father. His father had to retire in the year 1987 on medical grounds and had to maintain his family on the pension which was being paid to him. From this he had to meet the expenses of the medical treatment of his wife. There is no merit in the submission that the applicant was not in indigent circumstances. The facts show that the applicant was dependent on the deceased and he was therefore eligible for being considered for a compassionate appointment. If the Respondents felt that the applicant was not in indigent circumstances and did not qualify for compassionate appointment that should have been mentioned in the order passed by the authorities. The learned counsel for the Respondents could not support the order passed by the Respondents in the course of his arguments.

4. In the result, the application is allowed. The Respondents are directed to give a suitable appointment to the applicant on compassionate grounds within one month from the date of receipt of a copy of this order.


(M.S. DESHPANDE)
(VICE-CHAIRMAN)