

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.305/93

Smt.Mohamudabai Nawab
Parmanand Seth Chawl,
Room No.7, Subhaswadi
Vandrapada,
Ambarnath 421 501.

.. Applicant

-versus-

1. Union of India
through
The Chairman,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta.

2. The General Manager,
Ordnance Factory,
Ambarnath - 421 502.

.. Respondents

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

Appearances:

1. Mr.S.Natarajan
Advocate for the
Applicant.

2. Mr.Ravi Shetty
for Mr.R.K.Shetty
Counsel for the
Respondents.

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

Date: 23-12-93

By this application the applicant prays for compassionate appointment. The applicant's husband/^{who} was working as a Labour died on 29-8-1991 while in service leaving behind his widow and two sons aged 10 and 8 years. The applicant applied for compassionate appointment on 16-9-91 by urging that the family was poor without any source of income or property. The applicant was informed by letter dt.3-2-92 that there was no scope for employing widows but the case of the applicant's son would be considered on attaining his age of 14 years. The applicant made further representation on 16-2-1992 but she was informed vide letter dt.

26-3-92 that there was no vacancy.

2. Shri Ravi Shetty learned counsel for the respondents fairly stated that women were not employed in the work force of the respondent department. According to him the job of lifting goods which they have to perform and the work was next to the furnace it was not feasible to take any women on the job. This submission itself shows that there is no difficulty in taking women and that women are being taken up despite the fact that the work involves carrying loads and working next to furnace. It is also urged that there is no immediate vacancy. But in the case of compassionate appointment as held by the Supreme Court in AIR 1989 SC 1976, Smt. Sushma Gosain v. Union of India, there should not be any delay in appointment and the purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread earner in the family. Such appointment should therefore be provided immediately to redeem the family in distress and it is improper to keep such case pending for years. The Supreme Court has also observed that if there is no suitable post for appointment, supernumerary post should be created to accommodate the applicant. The observation to the same effect was made in Phoolwati v. U.O.I. AIR 1991 SC 469.

3. It is true that employment on compassionate ground cannot be claimed as a matter of right. But here from the circumstances considered by the respondents show that compassionate appointment is possible and I therefore direct the respondents to give compassionate appointment to the applicant

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within two months from the date of communication
of this order.

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(M.S.DESHPANDE)
Vice-Chairman