

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY-1

CA No. 695/93

Abdul Mohsin Sattar

..Applicant

v/s.

Union of India & Ors.

..Respondents

Coram: Hon. Shri Justice M S Deshpande, V.C.

APPEARANCE:

Mr. Anil Kumar
Counsel for the applicants

Mr. Karkera for Mr. P M Pradhan
Counsel for the respondents

ORAL JUDGMENT: DATED: 16.2.94
(Per: M.S. Deshpande, Vice Chairman)

This is an application by the son of deceased Abdul Sattar who was employed with the respondents as a Junior Supervisor at Buldana Telephone Exchange until his death on 21.9.1987. His widow made an application in 1987 for securing a compassionate appointment for the present applicant Abdul Mohsin. Since no action was taken on that application the present applicant filed an application for compassionate appointment. But that came to be rejected by the order dated 29.6.92 on the ground that the family was getting Rs. 1450 (ie., Rs.900 + 540 DA) as pension per month and had received over one lakh rupees as cash amount towards gratuity, insurance etc., and the family was not therefore, in an indigent circumstance. This order is being assailed in the present case.

2. The only ground on which the applicant's application was resisted is that the applicant was not a dependent on the deceased and because the family was not in indigent circumstances. From the form which has been filed by the applicant for getting compassionate appoint-

ment it is clear that the deceased Abdul Sattar left behind his widow and six sons and it is difficult to accept in the circumstances in which the family was placed that the retiral benefits and the pension which the family was getting was sufficient to meet the requirements and that the family is not in indigent circumstances.

3. What is required under the rules is that the applicant for compassionate appointment should be dependent on the deceased employee and this position has not been controverted. The order passed by the respondent cannot therefore be supported. The respondents are directed to grant a suitable appointment to the applicant on compassionate grounds within a period of two months from the date of communication of this order.

4. With the above directions the O.A. is disposed of with no order as to costs.


(M.S. Deshpande)
Vice Chairman

Order/ Judgement despatched
to Appellant/ Respondent (s)
on 383794

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