

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 737/93

XXXXXXRECEIPTIONXXXX

DATE OF DECISION 22.12.1993

J G Joshi Petitioner

Mr. K D Kulkarni Advocate for the Petitioners

Versus

U.O.I. & Ors. Respondent

Mr. Karkera for Advocate for the Respondent(s)

Mr. P M Pradhan

CORAM:

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 ?
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 ?~~


V.C.

NS/

(6)

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

OA No. 737/93

J.G. Johsi

..Applicant

V/s.

Union of India & Ors.

..Respondents

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

APPEARANCE:

Mr. K D Kulkarni
Counsel
for the applicant

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

ORAL JUDGMENT:

DATED: 22.12.1993

(Per: M.S.Deshpande, Vice Chairman)

The applicant who is aged 48 years is the brother of ex-employee of the respondents who was incapaciated and was made to retire on the basis of the medical certificate dated 11.3.91. The present applicant applied on 8.4.91 for getting an employment on compassionate grounds alleging that he was dependent on the ex-employee and that theirs was a joint family. By the reply dated 11.8.92 the application was rejected by the respondents and the applicant has therefore approached this Tribunal for directing the respondents to grant him a compassionate appointment. The allegations in para 4.4 of the application are that the applicant and his retired brother are residing in a joint family including their mother, wives and children and sister. There are ten members in the joint family of the applicant and his brother was the only earning hand and that the applicant was job less and solely dependent on his brother. This position has been controverted in the counter that has been

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filed by the respondents and para 7 of the counter shows that the applicant's brother has not described the applicant as dependent and the statement of applicant's brother ~~shows~~ his wife, daughter and a son as dependents and this fact was verified by the Assistant Superintendent of Post Offices on 13.6.91. Shri Kulkarni drew my attention to the report of the Respondent no.2 wherein in para 4 it was stated that the applicant was entirely dependent on the retired official as he had no job and it is seen that Shri J.G. Joshi applicant was being engaged as Outsider in Gr.'D' in the last 3 to 4 years, but as he did not complete 240 days, he was not eligible to appear for examination recently held, and he was found ~~to be~~ average. It is true that it was also stated that the applicant was jobless and was married and has two children and they all stay with the retired employee. He had recommended the case of the applicant. It was, however, not obligatory on the department to accept this recommendation because in the letter dated 8.4.91, Exhibit A-4, it was stated that the applicant was working as Outsider in Post Office was helping the retired employee financially and that since his own wife was rendered jobless due to eye sight problem and other children were unable to takeup the Government job and hence he was asking the department to give a job to his brother. It was, therefore, clear that the applicant was not dependent on the retired employee and this position is consistant with the statement made in the counter. There was thus enough material before the respondents to come to the conclusion they did and no inference is called for on the order passed by the respondents. The application is, therefore, dismissed.

(M.S.Deshpande)
Vice Chairman