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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1271/94
Transfer Application No.

Date of Decision : 16.6.95

Smt. R.S. Kanade

Petitioner

Mr. M.S. Karnik

Advocate for the
Petitioners

Versus

U.O.I. & 2 ors.

Respondents

Mr. V.S. Masurkar

Advocate for the
respondents

C O R A M :

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

The Hon'ble Shri

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

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Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PREScot ROAD, BOMBAY-400001

O.A. No. 1271/94

Smt. Ranjana Suresh Kanade ..Applicant

v/s.

Union of India & 2 ors. ..Respondents

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

Appearance:

Mr. M.S. Karnik
Counsel for the applicant

Mr. V.S. Masurkar
Counsel for the respondents

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

DATED: 16.6.95

The applicant's husband who was employed with the respondent died on 1.8.88 leaving behind his surviving wife, the present applicant, and a minor son. The application made for compassionate appointment by the applicant was rejected by the respondents on 27.8.90. The applicant approached the Industrial Court, Nashik, against that order but the Industrial Court by the order passed on 14.2.94 found that the dispute could not be entertained by it. The applicant has, therefore, approached this Tribunal for the relief.

2. Though the question of limitation was raised and an application for condonation of delay, M.P.No. 1208/94, was filed it is not necessary to go into the question of limitation because ultimately the relief which the applicant is claiming has to be considered in the light of the retiral benefits which the applicant would get. Having regard to the applicant's case and in view of the reasons given in the application for

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condonation of delay I would rather allow the MP for condonation of delay and proceed with the application ^{being} as within time.

3. The respondents have pointed out in the written statement in para 5 that the applicant has got Rs. 3,678 as GPF contribution, Rs.1,430 towards CGEIF refund, Rs.20,000 as CGEIS refund, Rs.8,752 as leave salary and she will get a monthly pension of Rs. 603. By no stretch of imagination can these benefits which the applicant would be getting upon the death of her husband can be regarded as insufficient. Considering the lumpsum payment which the applicant has received and also the benefit of monthly pension, the applicant cannot be regarded as a person in distress and therefore eligible for a compassionate appointment. This was the ^{which} view the respondents took while rejecting the applicant's claim for compassionate appointment and that action cannot be faulted.

4. Shri Karnik, Ld. Counsel for the applicant urged that the applicant has a minor son. His entitlement to a compassionate appointment has not been gone into because if he has ~~has~~ an independent right under the rules to seek a compassionate appointment upon his attaining majority, as that occasion has not arisen yet, and his entitlement shall have to be considered only if and when he makes an application for compassionate appointment latter ^{when} attaining majority and that question

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has been left open. Subject to this the O.A. is dismissed. There would be no order as to costs.

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(M. S. Deshpande)
Vice Chairman

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