

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 828/94

Transfer Application No:

DATE OF DECISION: 29.7.94

Shri Ajit Gajendra Shinde Petitioner

Shri S.P.Saxena Advocate for the Petitioners

Versus

Union of India and others Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B.S. Hegde Member (J)

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 ?

  
(B.S. Hegde)  
Member (J)

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 828/94

Shri Ajit Gajendra Shinde

... Applicant.

V/s.

The Union of India through  
the Secretary  
Ministry of Communication  
New Delhi - 110011

Director General  
Postal Vibhag (SPB - I)  
New Delhi 110011

The Chief Post Master General  
Maharashtra Circle,  
Bombay.

The Post Master General  
Goa Region,  
Panaji.

The Superintendent of RMS  
'BM' Division  
Miraj - 416 410

... Respondents.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Appearance:

Shri S.P. Saxena, counsel  
for the applicant.

ORAL JUDGEMENT

Dated: 29.7.94

( Per Shri B.S. Hegde, Member (J) )

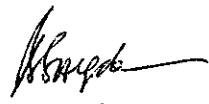
Perused the pleadings. The only prayer made by the applicant is to direct the respondents to reconsider the case of the applicant and offer him any suitable appointment under them on compassionate grounds. In this connection he draws my attention to Annexure A-3. After the death of the employee, Shri G.M. Shinde, aged 36, his wife was offered employment on compassionate ground by the Department as a class IV NTC cadre in relaxation of normal rules of recruitment as far back as in 1984. Despite of the aforesaid order the respondents have not offered any job. She

(dy)

also died for want of necessary medical facilities in the year 1988 leaving behind the grown up minor daughter and two minor sons in the family. At that time, they were receiving an amount of Rs. 375/- as family pension. After attaining majority the applicant has sent an application dated 19/6.92 seeking for appointment on compassionate ground. For which the respondents vide their reply dated 17/18.5.94 stated that " the family can not be stated to be in indigent circumstances. The family is small can survive on the pension." The same was reiterated earlier vide letter dated 9.5.94. The applicant requests that his application for compassionate appointment may be considered in a sympathetic manner with an understanding that the pension received by the applicant is not sufficient to meet both the ends. Since the respondents have offered a compassionate appointment to the widow of the deceased employee but however, the same was not implemented and she also died for want of medical care, it cannot be said that the financial condition of the family in any way improved, on the other hand, the family is in a indigent circumstances. It is not the case of the respondents that any of the family members are employed anywhere, simply stating that they can survive with the family pension, especially after the death of the mother, the same is reduced, cannot be said that the family is not in an indigent circumstances, the reply given by the respondents is not satisfactory and I am of the view that after the death of their mother, the survivors (children) are in a pecuniary condition. Hence the necessity in giving a direction to the respondents to consider and appoint the applicant on compassionate ground.

In the circumstances, I hereby direct the respondents to consider the application of the applicant and give him a suitable job. I am of the firm view, keeping in view of the aforesaid circumstances the applicant is certainly in a critical position and cannot afford to carry on only with the family pension. Therefore, I hereby direct the respondents to consider the appointment of the applicant on compassionate ground keeping in view that his mother was appointed as back as in 1984 and no one was there to take care of the other family members and appoint him in proper position as they deem fit. This direction be carried out within two months from the date of receipt of the order and the compliance of this order be reported to this Tribunal positively.

With the above said directions OA is disposed of at the admission stage itself.



(B.S. Hegde)  
Member (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

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Review Petition No. 15/95 in  
Original Application No. 828/94

The Secretary,  
Ministry of Communication  
New Delhi

Director General  
Postal Vibhag, S.P.B. I  
New Delhi

Chief Post Master General  
Maharashtra Circle  
Bombay.

Post Master General  
Goa Region, Panaji

Superintendent of R.M.S  
B.M. Division, Miraj

... Petitioners  
(Org. Respondents)

V/s.

Ajit Gajendra Shinde.

... Respondent  
(Org. Applicant)

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Appearance:

Shri S.P. Saxena, counsel  
for the applicant.

Shri S.S. Karkera proxy for  
Shri P.M. Pradhan, counsel  
for the respondents.

Tribunal's order

Dated: 3-4-95

¶ Per Shri B.S. Hegde, Member (J) ¶

The Petitioner (Union of India) has filed Review petition 15/95 in O.A. 828/94 seeking review of the judgement dated 29.7.94 and to restore the O.A. to the file and to hear the matter on merits.

The learned counsel for the petitioner (Union of India) has filed this Review Petition on the ground that the O.A. was disposed of without giving an opportunity to the petitioners (Union of India) and not even served the notice on them. This case is relates to compassionate appointment of the

mother who was appointed as back as 1994. She also died out of illness. In the circumstances the petitioner in R.P. prayed that without of issue of notice to the petitioner (Union of India) and the disposal of the O.A. ex-parte is not justified and not warranted. Accordingly the notice be given to the petitioners (Union of India) to file their reply and the matter be heard on merits.

3. Considering the rival contention of the parties I am convinced and the disposal of the O.A. at the admission stage without serving notice on either parties, probably at that point of time the Tribunal ordered that the mother though appointed as back as 1994 was not taken in service and she died out of illness. Accordingly the Tribunal thought it fit to give <sup>direction for</sup> appointment to the applicant on compassionate ground. For the reasons stated above, I hereby quash the order passed on 29.7.94 and the O.A. has restored to the file. Accordingly the respondents are directed to file reply within four weeks from the date of receipt of this order.

Review Petition No.15/95 is allowed. The Registry is directed to post the matter after the receipt of the reply from the respondents before the same Bench.

Copy of the order be given to the parties.

*B.S. Hegde*  
(B.S. Hegde)  
Member (J)