

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 661/94

Transfer Application No:

DATE OF DECISION: 29.11.1994

Mrs. A.N. Shetty & Anr. Petitioner

Shri M.S. Karnik Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

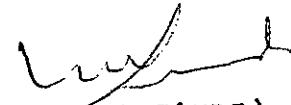
Shri P.M. Pradhan Advocate for the Respondent(s)

CORAM :

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 ? ~


(M.S. DESHPANDE)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 661/94

Mrs. A.N.Shetty & Anr. ... Applicants
v/s.

Union of India & Ors. ... Respondents

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

Appearance

Shri M.S.Karnik
Advocate
for the Applicant

Shri P.M.Pradhan
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 29.11.1994

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

By this application the applicant No. 2 seeks a compassionate appointment.

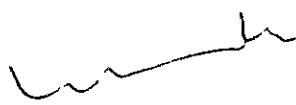
2. Narayan Shetty^{who} was the employee of the respondents' Department died while in service on 30.8.1992 surviving him the first applicant, the widow and three sons including the second applicant. According to the applicant the other two sons were residing separately from the deceased and the second applicant was the only son who was dependent on him, whose case for compassionate appointment was recommended by the ^{defendant} widow. The application for compassionate appointment was rejected and this order is being challenged by the present application.

3. According to the respondents, two other sons of the first applicant had separated only after the death of Narayan Shetty and they were suitably employed. They did not furnish information regarding the financial position of the family.



The first applicant was in receipt of Rs.1800/- p.m. as family pension and received Rs. one lakh as retirement benefits. The family therefore is not in indigent position and no case for compassionate appointment is made out.

4. It is clear that two authorities vide dated 20.1.1993 and 19.5.1993 had recommended the case of the second applicant for compassionate appointment. Exhibit - 'E' which is the communication sent after investigation on 18.5.1993 shows that the second applicant was the only person looking after the first applicant and the two other sons were not residing with her. The order dated 21.12.1993 (Ex.'A') shows that the applicant No. 2 is the third and last son and no information was furnished by the two sons regarding their employments. The extract of the Ration Card shows that their names were removed only on 5.1.1993, i.e. after the death of their father on 30.8.1992. According to the respondents the other two sons were suitably employed and therefore the case for compassionate appointment cannot be strengthened by the circumstances on which the applicant relies. Considering this, the order dated 21.12.1993 does suffer from any non-application of mind nor consideration of extraneous circumstances. Prima facie the family was not in distress and on the basis of the material it was clear that a case for compassionate appointment had not been made out by the applicant. Interim stay is vacated. The applicants are granted time upto 28.1.1995 for vacating the quarters upon their undertaking that they would vacate the quarters and would not drive the respondents to proceed with



the eviction proceedings under the law. Undertaking to be filed within a week. The normal rent for the premises shall be paid every month by 10th of each succeeding month until the quarter is vacated. The respondents will be at liberty to get the quarter vacated if the undertaking is not given within a week.


(M.S.DESHPANDE)

VICE CHAIRMAN

mrj.