

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
(CAMP: NAGPUR)

Original Application No: 343/94

Transfar Application No:

DATE OF DECISION: 16.9.1994

Shri G.B.Waraskar Petitioner

Shri K.D.Deshpande Advocate for the Petitioners

Versus

Ordinance Factory Board, Calcutta & Ors. Respondent

Shri R.S.Sundaram 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 ? *W*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *W*


(M.S.DESHPANDE)

VICE CHAIRMAN

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY

CAMP : NAGPUR

OA.NO. 343/94

Shri Gopal Bajirao Waraskar

... Applicant

V/S.

Chairman/D.G.O.F.,
Ministry of Defence(Production),
Ordnance Factory Board, Calcutta & Anr. ... Respondents

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

Appearance

Shri K.D.Deshpande
Advocate
for the Applicant

Shri R.S.Sundaram
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 16.9.1994

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

By this application, the applicant claims a compassionate appointment for his son.

2. The applicant who was an employee with the respondents was medically boarded out on 22.8.1991. He sought for employment assistance on 24.10.1991 but that application was rejected. The appeal from that decision was also rejected on 5.10.1993 and the applicant has, therefore, approached this Tribunal because of the refusal of the respondents to give compassionate appointment to his son.

3. Learned counsel for the applicant urged that the applicant is in distress because he has to marry two of his daughters and has to maintain a family and also bare the expenses of his own medical treatment. The respondents' reply to this is that the applicant has received terminal benefits amounting to Rs.27,086/- in addition to pension

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of Rs.900/- p.m. which she is being paid. He also owns 1/3rd portion of 3.65 acres of land and his case is not therefore which can fall into a category of an exception case as mentioned in the Ministry of Defence's instructions dated 20.7.1987 at Annexure-III. Clause 1 (b) states that :-

"In "exceptional" cases when a Department is satisfied that the condition of the family is indigent and is in great distress the benefit of compassionate appointment may be extended to a son/daughter/near relative of a Government servant retired on medical grounds under Rule 38 of Central Civil Services (Pension Rules, 1972, or corresponding provisions in the Central Civil Service Regulations before attaining the age of 55 years."

It is clear that there has to be subjective satisfaction on the authority concerned on objection^{ve} material about the need for granting such compassionate appointment. In the present case, the applicant has been receiving pension of Rs.900/- and in addition the terminal benefits and also owns 1/3rd portion of 3.65 acres of land. There was sufficient material for the respondents to reach the conclusion that this was not an exceptional case and that the applicant would not be entitled to compassionate appointment. No interference is, therefore, called for and the OA. is dismissed. No order as to costs.


(M.S.DESHPANDE)

VICE CHAIRMAN

mrj.