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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 1293/95

Date of Decision: 18.9.97

Shri Pandurang K. Patil

Applicant.

Shri R.D. Suryawanshi.

Advocate for  
Applicant.

Versus

Union of India and others.

Respondent(s)

Shri Wadhavakar for  
Shri M.I. Sethna.

Advocate for  
Respondent(s)

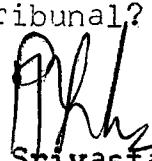
CORAM:

Hon'ble Shri. P.P. Srivastava, Member (A)

Hon'ble Shri.

(1) To be referred to the Reporter or not? No

(2) Whether it needs to be circulated to other Benches of the Tribunal? No

  
(P.P. Srivastava)  
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, BOMBAY:1

Original Application No. 1293/95

Thursday the 18th day of September 1997.

CORAM: Hon'ble Shri P.P. Srivastava, Member (A)

Pandurang K. Patil  
residing at Post Peth  
Taluka Walwa,  
District Sangli.

... Applicant.

By Advocate Shri R.D. Suryawanshi.

V/s.

The Collector,  
Central Excise and Customs,  
Pune Municipal Commercial  
Building, Mirabag,  
Tilak Road, Pune.

The Additional Collector (P&V)  
Central Excise & Customs,  
Pune. Municipal Commercial  
Building, Heerabaug,  
Tilak Road, Pune.

Union of India (Notice to be  
served on the Secretary  
Central Board of Central  
Excise, North Block,  
New Delhi.

... Respondents.

By Advocate Shri Wadhavkar for Shri M.I. Sethna.

O R D E R

( Per Shri P.P. Srivastava, Member (A) )

The applicant was appointed in the  
department of Central Excise and Customs on 17.4.1956.  
The applicant served in the department upto 4.5.93.  
On that day the applicant retired on medical grounds  
on invalid pension. The applicant applied for  
compassionate appointment for his son. The applicant's



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request for compassionate appointment for his son was rejected by the respondents vide their letter dated 19.11.93 (Exhibit A). The learned counsel for the applicant argued that in terms of DOP instructions Group 'D' employees who retire on medical grounds on or before attaining the age of 57 years are eligible for availing of the concession. Therefore the case of the applicant should not have been rejected by the respondents.

2. The respondents on the other hand have brought out that the case of the applicant was considered by the respondents and in view of the fact that the case of the applicant was not found deserving, the request of the applicant was rejected. The learned counsel for the respondents have brought to my notice the instructions issued in this connection which are brought out in para 5 of the written statement. It is mentioned that the compassionate appointment is granted " in exceptional cases when a Department is satisfied that the condition of the family is indigent and in great distress, the benefit of compassionate appointment may be extended to the son/daughter/near relative of Government servant retired on medical grounds under Rule 38 of the Central Civil Services (Pension Rules) 1972 or corresponding provisions in the Central Civil Regulations. " The respondents have also brought out that the applicant's financial position was

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good and it was considered by the Competent Authority that the applicant is not in great distress. The financial condition has also been brought out by the respondents in their reply in para 5 at page 3.

After considering the arguments of both the counsel and perusal of the records, I am of the opinion that the applicant has not brought out any material to show that it is an exceptional case and the condition of the family is indigent and in great distress.

In view of the various judgements of the Supreme Court that the compassionate appointment should be made to over come immediate distress to the family, I am of the view that the applicant has not been able to make any case for interference of the Tribunal in the decision of the respondents administration. I am therefore of the view that the O.A. has no merit and the same is dismissed. No orders as to costs.

  
(P.P. Srivastava)  
Member (A)

NS