

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, BOMBAY,
CAMP AT NAGPUR.

ORIGINAL APPLICATION NO.221/95.

Friday, this 15th day of March, 1996.

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

S.N.Jawanjal. ... Applicant.
(By Advocate Shri N.M.Jibhakate).

V/s.

Union of India & Anr. ... Respondents.
(By Advocate Shri M.G.Bhangde).

O R D E R

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

Heard Shri N.M.Jibhakate, counsel for the applicant and Shri M.G.Bhangde, counsel for the Respondents. The

2. The relief claimed in this application is for compassionate appointment. It is stated that the father of the applicant who was working as a Over-Locker (A-Grade) with the Respondent No.2 expired as back as in 1988 (20.11.1988) and he has filed this O.A. on 10.2.1995. The counsel for the applicant showed me the correspondence with the Respondents whereby the request for employment assistance was disposed of saying that there is no additional manpower required in the factory at present and that the request for providing compassionate appointment to the son Master Suresh Jawanjal cannot be acceded to as he is underaged. Ultimately, vide letter dt. 9.7.1994 they have stated that in view of the reasons stated therein the request for compassionate appointment cannot be acceded to. The Respondents in their reply have stated that in para 6 that since the applicant's mother (widow of the deceased) had received

terminal benefits of Rs.64,422-00 and odd and ultimately she has been getting monthly pension of Rs.1,224/- and that the two daughters have already been married. Therefore, the widow of the deceased and son (the applicant) are staying together. Therefore, the pecuniary condition of the applicant cannot be treated as indigent in this case and it does not justify compassionate appointment to the applicant and accordingly rejected the request of the applicant.

3. In the facts and circumstances of the case, I find that the reasons given by the respondents is just and proper. The belated representation filed by the applicant for seeking compassionate appointment is not justified. The O.A. is dismissed at the admission stage itself.


(B.S. HEGDE)
MEMBER (J).

B.

~~I understand to send the copy to the Respondent.~~

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL BOMBAY BENCH

CAMP SITTING AT NAGPUR.

R.P.NO (N).B..../97.

in

O.A.NO..... 221/95.

PETITIONER :- Shri S.N.Jwanjal,
S/o Late N.T.Jwanjal,
Ab-Kharbi, P.O Niharwani,
Tahsil & Dist- Bhandara.

-versus-

RESPONDENT :- 1. Union of India & one another.
2) The D.G.F., Cal.

PETITION FOR REVIEW OF THE ORDER DT. 15.3.96 PASSED BY
THIS HON'BLE TRIBUNAL.

Your humble petitioner submits as under :-

- 1) That your humble petitioner filed the Original application before this Hon'ble Tribunal where the Hon'ble Tribunal upon hearing passed and delivered the order on 15.3.96 dismissing the application at Admission stage.
- 2) That in the judgement and order Dt. 15.3.96 passed by this Hon'ble Tribunal has a apparent error in the phase of record and facts.
- 3) That the petitioner filed this original application before this Hon'ble Tribunal for compassionate appointment for him in place his father, of who was working as a overseer 'A' Grade at Ordnance Factory Bhandara. The Res. No. 2 agreed to give employment assistance by the order Dt. 12.12.88 it was informed



that the petitioner cannot be given employment assistance due to shortage of age i.e. 'Under age' i.e. minor. Thereafter the petitioner filed another application on 22.7.93 where by the letter Dt. 14.8.93 it has been stated by the respondent No.2 that the petitioner cannot be given employment assistance as he is minor/under aged i.e. of 17 yrs, Moreover it has been stated that due to lack of additional vacancy the petitioner cannot be given employment assistance.

4) That again the petitioner filed the appeal on 9.6.94 where he attained the majority and respondent no.2 came out first time with a new plea that petitioner cannot be appointed by way of compassionate appointment. under dying in harness scheme. Since he has been paid about Rs. 64,422/- as terminal benefit and also for getting Rs.600/- as family pension. Therefore, the respondent No.2 with malafide intension took out the new plea to deprive the petitioner from his rightful claim., It is further respectfully submitted that the amount shown in the reply by the respondents is a stock of falsehood. The respondent No.2 has shown the amount payable to the applicant but did not furnished the amount recovered/paid as a dues to the father of the petitioner. It is specifically denied that the petitioner or his family member recievied the said amount for their exclusive utilisation in fact petitioner and his family received a much less amount which was shown in the reply filed by the respondent no.2.

5. That it is further respectfully submitted that in case the above position would have been the

actual ground to refuse the employment assistance, the respondent no.2 would have inform the same in the first occassion when the petitioner submitted his appeal for employment assistance in the year 1988. Therefore, reply filed by the respondent no.2 before this Hon'ble Tribunal, is to mislead this Hon'ble Tribunal with a view to deprive the applicant from his rightful claim. It is further respectfully submitted that on the day of pronouncement of the order and judgment the petitioners mother was to get the family pension at the rate of Rs. 375/- on and from 20.11.95. As a result it is submitted that the scheme of employment assistance has been extended to the family members of the employee who died while in service and living the family in great distress. It has not been laid down that what should be the amount by which employee's family will be debarred from giving the employment assistance.

6) That as per the government instruction by the nodal ministry of from time to time relating to the compassionate appointment to the distress family members of the government employee who died suddenly while in service should be given employment assistance after verifying the pecuniary condition of the family members by subjective satisfaction and not by a mechanical way. The respondent acted mechanically without applying the judicious mind to consider the circumstances subjectively. The petitioner filed this orgginal application challenging the act of the respondent to deny the employment assistance to the petitioner. It is respectfully submitted that if the respondents would have come with a clean hand and submitted all the records and documents before

this Hon'ble Tribunal, the lordship would have not passed the order much less than that of the order Dt. 15.3.96.

Hence this review petition.

7. Grounds for Review

- A. Because there is a apparent error in the phase of records, facts and law.
- B. Because the petitioner had not been received the amount shown in the reply after paying the debts of the govt. employee.
- C. Because the respondents came first time with a new plea after 7 years.
- D. Because other person who have received much more amount by way of pension gratuity etc has already been appointed under this scheme.
- E. Because no enquiry had been made by the respondent to ascertain the pecuniary condition of the distressed family in terms of the procedures laid down by the nodal ministry.
- F. Because the petitioner and his family is facing a great hardship.
- G. Because the petitioner has been discriminated in the matter of employment assistance in dying in harness case.
- H. Because the Hon'ble Tribunal has been misled by by the respondent.
- I. Because the Hon'ble Tribunal ought to have examine the record and documents before delivering of the order Dt. 15.3.96 in the interest of justice.
- J. Because the govt order/instruction/procedures has b

has been violated by the respondents.

8. In view of the submission made by the petitioner in the preceding paragraph it is necessary, to review the judgment/order Dt. 15.3.96 and to decide the matter on merits in the interest of justice.

PRAYER : It is therefore prayed that this Hon'ble Tribunal be pleased to review its judgment Dt. 15.3.96 and also be pleased to decide the matter on merits in the interest of justice.

NAGPUR

DT. 21/1/97

S.N.Jwanjal

PETITIONER

SOLEMN AFFIRMATION

I, S.N.Jwanjal, S/o Late N.T.Jawanjal, R/o At-Kharbi, P.O. Niharwani, Tah & Distt. Bhandara do hereby takes oath on solemn affirmation that the contents of para 1 to 8 are true to the best of my knowledge and belief and that I have not suppressed any material fact.

Hence signed and verified on 1 day of Jan
1997.

NAGPUR.

DT. 28/1/97

S.N.Jwanjal

DEPONENT

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S. N. JUJRA
M.A., LL.M.
ADVOCATE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, BOMBAY,
CAMP AT NAGPUR.

ORIGINAL APPLICATION NO.221/95.

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(B.S. HEGDE)
MEMBER(J).

B.
No. CAF/NAG/JUD/674
Certified True Copy
Date 22/3/96

Date 27/3/96

Sub. Officer
Central Admin. Tribunal
Bom. 3 NAGPUR

Copy to:

1. Shri S.N.Jaunjali
C/o., Shri N.M.Jibhkate, Adv.,
Plot No. 46,
Ganesh Nagar, NAGPUR - 440 002.
2. The Union of India & Ors.,
C/o., Shri M.G.Bhangade, Adv.,
Opposite Hislop College,
Temple Road, Civil Lines,
NAGPUR - 440 010.