

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI
NAGPUR CASE - TO BE PRONOUNCED AT BOMBAY.

ORIGINAL APPLICATION No. 233 /1995

Date of Decision: 13-11-96

Smt. Gaya Raghunath Kamble

Petitioner/s

Shri K.D. Deshpande

Advocate for the
Petitioner/s

V/s.

The General Manager, Ordnance
Factory Chanda.

Respondent/s

Shri M.G. Bhargade

Advocate for the
Respondent/s

CORAM:

Hon'ble Shri **M.R. Kolhatkar** Member (A)

Hon'ble Shri

- (1) To be referred to the Reporter or not ? ☒ X
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? ☒ X

abp.

M.R. Kolhatkar
(M.R. KOLHAT KAR)
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.No.6,PRESCOT ROAD, 4TH FLOORZ
MUMBAI - 400 001.

ORIGINAL APPLICATION NO. 233/95.

DATED THIS 13th DAY OF NOVEMBER, 1996.

CORAM : Hon'ble Shri M.R.Kolhatkar, Member (A).

Smt.Gaya Raghunath Kamble,
Mangli (Rai),
P.O.Pirlee,
Tah.Bhdrawati,
Dist.Chandrapur(M.S.).

... Applicant.

By Advocate Shri K.D.Deshpande.

v/s.

The General Manager,
Ordnance Factory CHANDA,
442 501 (Maharashtra),
and 3 Others

... Respondents.

By Advocate Shri M.G.Bhangade.

X O R D E R X

X Per Shri M. R. Kolhatkar, Member(A) X

1. In this OA, the applicant has challenged the order dated 31/10/94 at page-12 by which the request of the applicant for employment of her son Shri Sagar Raghunath Kamble on Compassionate grounds has been rejected by the respondents.

2. The applicant is wife of Shri Raghunath Madho Kamble who was appointed on casual basis as labourer on 6/10/72 and on regular basis on 22/10/73. His services were terminated on 13/11/75 on medical grounds. Thereafter the applicant had pursued the question of her ^{our} appointment on compassionate grounds and her application dated 29/8/85 was rejected by the letter dated 18/9/86 at page-27. The rejection on 18/9/86 was on the ground that the applicant had made an application for compassionate appointment at a later stage. The rejection

in the Impugned order is on the ground that the Husband of the applicant rendered only 2 years and 10 months service before his services were terminated. One of the grounds taken by the applicant is that the residual service is to be taken into account for considering the case for compassionate appointment. The respondents have contended that the residual service is only one of the grounds which is to be considered before deciding the case for compassionate appointment.

3. The Learned Counsel for the applicant has invited my attention to the report of the Senior Labour Officer appearing at page-32. From this report it is seen that apart from the applicant, and ofcourse, the husband who is medically unfit there are 3 dependents including one daughter aged 21 years and another son Sandesh aged 12 years is suffering from mental illness. Initially, the applicant had put forth her own case for appointment on compassionate grounds but now that she is old viz. Sagar, one of her sons has attained majority, and is likely to pass his 10th standard, she has requested for grant of compassionate appointment to him. The report shows that the condition of the family is pitiable and the husband of the applicant has been compelled to beg for his livelihood. The Senior Labour Officer himself has recommended the case for favourable consideration. The Learned Counsel for the applicant urges that this is a case in which this Tribunal should exercise its discretion and direct the respondents to grant compassionate appointment in favour of the son of the applicant.

4. The respondents have opposed the OA. It is contended that initially, the application of the wife was rejected because even at that time, the applicant did not fulfill the guidelines in as much as the family had been able to pull on for

10 years after the termination of the service of the husband of the applicant. Subsequently, the case has been again re-considered but it is not possible for the respondents to consider the matter as the same is not covered by the rules. The respondents also rely on the judgements of the Supreme Court in the following cases:-

1. Haryana State Electricity Board v/s. Naresh Tanwar and Anr. reported at 1996(2) SCALE 374.
2. Jagdish Prasad v/s. State of Bihar 1995 (6) SCALE 545.
3. Umesh Kumar Nagpal v/s. State of Haryana and Ors. 1994 (4) SCC 138.

5. In Umesh Kumar Nagpal's case it was held that compassionate appointment cannot be granted after a ~~long~~ lapse of reasonable period. In Haryana State Electricity Board case, Umesh Kumar Nagpal's case was followed as well as Jagdish Prasad's case was referred to.

6. In the present case, the services of the husband of the applicant were terminated more than 20 years back, (i.e. on 13/11/1975). The case of the applicant for her own employment was rejected in 1986 on the ground that the family has been able to pull on for 10 years. The matter appears to have been re-considered but the department has rejected the case of the grant of employment to the son of the applicant who has since attained majority, for reasons mentioned in para-2 above.

7. Considering the ratio of the Supreme Court judgements cited by respondents, I am of the view that the applicant has not made out any case for interference by the Tribunal. The OA has no merit and the same is therefore dismissed with no orders as to costs.

abp.

M. R. Kolhatkar
(M. R. KOLHATKAR)
MEMBER (A)