

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. : 378 OF 1995.

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Date of Decision : 07.12.1995.

Shri Sunil J. Sapkale, Petitioner

Shri S. P. Kulkarni, Advocate for the Petitioners

Versus

Union Of India & Others, Respondents

Shri R. K. Shetty, Advocate for the respondents

C O R A M :

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

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

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

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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOM-BAY BENCH  
GULESTAN BLDG. NO. 6, 3RD/4TH FLOOR  
PREScot ROAD, FORT, BOMBAY-400 001.

ORIGINAL APPLICATION NO.:378 OF 1995.

DATED : THURSDAY, THE 7TH DAY OF DECEMBER, 1995.

CORAM :

HON'BLE SHRI B. S. HEGDE, MEMBER (J).

Shri Sunil J. Sapkale ... Applicant  
(Advocate by Shri S. P. Kulkarni).

VERSUS

Union Of India & Others ... Respondents.  
(Advocate by Shri R.K. Shetty).

: O R D E R :

{ PER.: SHRI B. S. HEGDE, MEMBER (J) }

1. Heard the Learned Counsel for the parties. This case relates to compassionate appointment. The respondents vide their letter dated 07.06.1994 rejected the request of the applicant for compassionate appointment and stated that this case has been examined by the Competent Authority and it has been decided that the request for compassionate ground appointment cannot be acceded to on the following grounds :-

- i) There are only two members in the family.
- ii) Both are working in the casual capacity.
- iii) The widow is getting pension including relief.
- iv) The deceased family owns a house.
- v) The father of the prospective candidate died during 1975.
- vi) Belated case cannot be considered as per existing procedure.

2. The Learned Counsel for the applicant draws my attention to Appendix-2 regarding the compassionate appointment of Son/Daughter/near relative of deceased Government servant/Government servant retired on medical grounds vide O.M. dated 30th June, 1987. Para 7 of the O.M. reads as follows :

"Ministries/Departments can also consider the requests for compassionate appointment even where the death took place long ago, say five years or so. While considering such belated requests it should be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family on the passing away of the Government servant in harness. The very fact that the family has been able to manage somehow all these years should normally be adequate proof to show that the family had some dependable means of subsistence. Therefore, examination of such cases calls for a great deal of circumspection. The decision in those cases, may be taken at the level of Secretary only."

Accordingly, he submitted, that in view of the report submitted by the Senior Labour Officer vide dated 28.03.1994, the matter may be reviewed by the Competent Authority i.e. at the level of Secretary, as required under the O.M. He further states that at the time of death of the applicant's father, he was only four years old and attained majority in

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1989 and immediately thereafter, he applied for compassionate appointment.

3. In the circumstances, the O.A. can be disposed of with a direction to the respondents in terms of the O.M. of the department that the matter may be reviewed by the Competent Authority i.e. at the level of the Secretary, and pass an appropriate order as they deem fit. O

4. In the light of the above, the O.A. is disposed of. No order as to cost.

5. Copy of the order be given to the parties.



(B. S. HEGDE)

MEMBER (J).

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