

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 595/1995.

Date of Decision: 24.01.1997

Smt. Madhumala U. Kadbe,

Petitioner/s

Shri M. Ayyub,

Advocate for the
Petitioner/s

V/s.

Union Of India & Others,

Respondent/s

Shri P. S. Lambat,

Advocate for the
Respondent/s

CORAM:

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

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

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

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

CAMP : NAGPUR.

ORIGINAL APPLICATION NO. : 594/95.

Dated this Friday, the 24th day of January, 1997.

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

Smt. Madhumala U. Kadbe, X
J.P. Nagar, Ward No. 10, X
Post & Tahsil, X
Kamptee, X
Dist. Nagpur, X ... Applicant
(Maharashtra State). X
(By Advocate Shri M. Ayyub).

VERSUS

The Union Of India through X
1. The Secretary, X
Ministry of Railways, X
Railway Board, X
Rail Bhavan, Rafi Marg, X
New Delhi. X
2. The General Manager, X
South Eastern Railway, X
Garden Reach, X
Calcutta. X
3. The Divisional Rly. Manager, X
South Eastern Railway, X ... Respondents.
Nagpur. X
(By Advocate Shri P.S. Lambat).


: ORAL ORDER :

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

Heard Shri M. Ayyub for the applicant and
Shri P.S. Lambat for the respondents.

2. In this O.A., the applicant is the wife of
of the deceased employee, who was removed from service as
back as 14.09.1984. On the last occasion, the Tribunal
had directed the respondents to give a copy of the removal
order to the counsel for the applicant, the same has been
furnished today. The present applicant is claiming
compassionate appointment and family pension. Since the

deceased employee was absconding, the removal order was served at his residence, which is witnessed by two witnesses, as seen from the removal order dated 19.09.1984. The learned counsel for the applicant contends that the removal order was not served on the deceased employee, but the same is not found to be justified. In the circumstances, the O.A. filed by the applicant is hopelessly barred by time) and (devoid of) merits. Accordingly, the O.A. is dismissed. There will be no order as to cost.


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

OS*

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

R.P. NO.: (N) 6/97 IN O.A. NO.: 594/95.

Dated this Friday, the 16th day of May, 1997.

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

Smt. Madhumala U. Kadbe & Anr. ... Applicant

VERSUS

UNION Of India & Others ... Respondents.

Tribunal's Order by Circulation :

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

In this review petition the petitioners seek review of the oral judgement dated 24.01.1997. The original application no. 594/95 was for compassionate appointment and family pension. It is noted that the deceased employee was absconding and as such, the removal order was served at his residence, which is witnessed by two witnesses, as seen from the removal order dated 19.09.1984. The contention of the applicant is that the removal order was not served on the deceased employee but the applicant has not adduced any rebuttal evidence regarding non service of the removal order. Since the O.A. was filed after a lapse of 11 years, the Tribunal thought fit to dispose of the O.A. not only on merit but also on the point of limitation. Accordingly, the O.A. was dismissed. In this Review Petition, the applicant is trying to rake up the ex-parte disciplinary enquiry conducted by the respondents stating that there is no indication that notice was served on the delinquent employee, etc.

2. It is a well settled principle that the scope of Review Petition is very limited. Unless there is an error apparent on the face of the record or any new facts are brought to our notice, normally, the review application is not to be entertained. On perusal of the review application I find that the applicant has not made out any new point nor any error apparent on the face of the record.

3. In the result, I do not find any merit in the review petition and the same is dismissed. In the O.A. the applicant is seeking compassionate appointment either to the widow or to her major children. Courts have held that in all claims for appointment on compassionate grounds, there should not be any delay in appointment. Employment on compassionate grounds cannot be claimed as a matter of right. When the competent authority has duly considered the circumstances of the family of the deceased employee on the request of the widow and rejected, there remains no case for judicial review. Accordingly, the review petition is dismissed by circulation as devoid of merits.


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