

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO: 1212/97.

Date of Decision: 16.7.1998

Raghunath B. Deokar & Anr.

.. Applicant

Shri S.F. Inamdar.

.. Advocate for
Applicant

-versus-

Union of India & Anr.

.. Respondent(s)

Shri V.S. Masurkar.

.. Advocate for
Respondent(s)

CORAM:

The Hon'ble Shri Justice R.G. Vaidyanatha, Vice-Chairman.

The Hon'ble

(1) To be referred to the Reporter or not ? *W*

(2) Whether it needs to be circulated to
other Benches of the Tribunal ? *W*

R.G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE-CHAIRMAN.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 1212/97.

Thursday, this the 16th day of July, 1998.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman.

1. Raghunath R.Deokar,
165, Davar House,
Room No.9,
Dr. Bhadkamkar Marg,
Mumbai - 400 007.
2. Satish R.Deokar,
Residing with Applicant
No.1. ... Applicants.

(By Advocate Shri S.P.Inamdar)

V/s.

1. Union of India through
Chief General Manager,
Telecom Circle Maharashtra,
Mumbai - 400 001.
2. The Chief Superintendent,
Central Telegraph Office,
Mumbai - 400 001. ... Respondents.

(By Advocate Shri V.S.Masurkar).

ORDER

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is an application filed for Compassionate Appointment. The respondents have filed their reply. I have heard the learned counsel appearing on both sides.

2. The first applicant is the father and the second applicant is the son. It is the applicants' case that the first applicant retired on 29.10.1996 on medical grounds and therefore the second applicant is entitled to compassionate appointment, that is how the applicants have approached this Tribunal.

The respondents contention is that since the first applicant retired on medical grounds after attaining the age of 57 years his son is not entitled to compassionate appointment as per the scheme.

...2.



3. Now the learned counsel for the applicant submits that the first applicant was not keeping well for quite a long time and therefore the date of retirement should have been much earlier and he will be making necessary application to the respondents for changing the date of retirement on medical grounds. It is open to the applicants to make such applications to the respondents and it is for the respondents to pass appropriate orders according to law.

4. As on to day the date of retirement is 29.10.1996 and first applicant had already attained the age of 57 years and therefore as per the present rules the second applicant is not entitled for appointment on compassionate grounds.

5. The learned counsel for the applicants submitted that the applicants are very poor and are in difficult situation. The respondents are taking casual labourers from open market, therefore the respondents may be directed at least to consider the case of 2nd applicant on sympathetic grounds for appointment on casual basis. The learned counsel for the respondents submitted that it is open to the second applicant to make a proper application to the Department and it may be considered by the Department as per rules.

6. After hearing both the sides and having regard to the financial conditions, I feel that this is a fit case in which the respondents should consider the case of the second applicant whenever they take up fresh casual labourers subject to rules. It is open to the second applicant to make appropriate application at the appropriate time to the respondents for appointment as casual labourer and the respondents may consider his claim as observed earlier.

7. In the result, the O.A. is disposed of subject to the observations mentioned above. In the circumstances of the case there will be no order as to costs.

R. G. Vaidyanatha
(R.G.VAIDYANATHA)
VICE-CHAIRMAN

B.