

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 1015/97.

Date of Decision: 30/4/98

Abdul Gafar Husaain Attar Applicant.

Shri Suresh Kumar Advocate for
Applicant.

Versus

Union of India & 20rs. Respondent(s)

Shri P.M. Pradhan Advocate for
Respondent(s)

CORAM:

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

Hon'ble Shri.

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

abp.


(R. G. VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6, PRESCOT RD, 4th FLR, FORT,
MUMBAI- 400 001.

ORIGINAL APPLICATION NO.1015/97.

DATED THE 30TH DAY OF APRIL, 1998.

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

Abdul Garar Hussain Attar,
400, North Kasaba,
Solapur - 413 007.

... Applicant.

By Advocate Shri Suresh Kumar.

-V/s.-

Union of India,
through Director,
General, Department of Posts,
Daak Bhavan, New Delhi-110 001.

Assistant Director Postal Services,
(R&E), Maharashtra Circle,
Bombay - 400 001.

The Director,
Bombay GPO,
Bombay - 400 001.

... Respondents.

By Advocate Shri P.M.Pradhan.

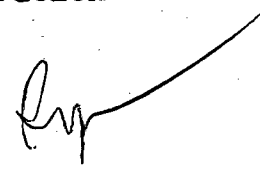
I O R D E R I

I Per Shri R. G. Vaidyanatha, V.C. I

This is an application filed for compassionate appointment. Respondents have filed reply opposing the application. I have heard both the counsels.

2. The applicant is son of deceased H.S. Attar who was working as Deputy PPM, GPO, Mumbai. He died on 21/4/84. The applicant was a minor at that time. After attaining majority he made an application for compassionate appointment to the respondents on 1/7/93. The respondents rejected the application. Hence the applicant has approached this Tribunal praying for a direction to respondents to appoint him on compassionate grounds.

3. Respondents have filed reply opposing the application, stating that the application is a belated one as the applicant's father died on 21/4/84, and the applicant made an application on 1/7/93 namely 9 years after the death of the father.

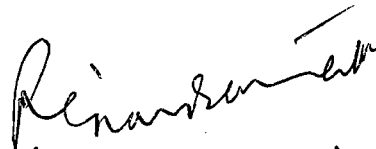


4. It may be that the applicant was a minor and therefore he has filed an application on attaining majority. It is well settled that the compassionate appointments are given on the death of a breadwinner of the family to meet the immediate crisis of the family as the breadwinner died in harness., and to tide over the difficulty experienced due to the untimely death of the breadwinner. In the present case, the applicant has file the case after 9 years after the death of the father.

5. In the facts and circumstances of the case, the respondents are justified in rejecting the application. The law is well settled and covered by the decision of the Apex Court, reported in 1997(2)ATJ-665(Haryana State Electricity Board V/s. Hakim Singh) ., where also an identical case of a son applying for compassionate appointment after attaining majority and the application was filed about 14 years after the death of the father. The decision of that case squarely applies to the present case. I therefore hold that the application has no merit. and is liable to be rejected.

6. In the result, the application is rejected at the admission stage. There will be no orders as to costs.

abp.


(R.G. VAIDYANATHA)
VICE CHAIRMAN