

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 1071/98

DATE OF DECISION: 7.10.1999

Shri Fakira Ahmed Ahmedhussain Shaikh Applicant.

Shri S.P.Inamdar. Advocate for  
Applicant.

Versus

Union of India and others. Respondents.

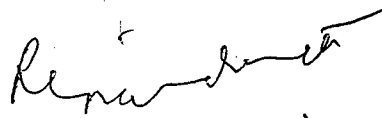
Shri V.S.Masurkar. Advocate for  
Respondent(s)

CORAM

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

Hon'ble Shri

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

  
(R.G. Vaidyanatha)  
Vice Chairman

**CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.**

**ORIGINAL APPLICATION NO: 1071/98**

**THURSDAY the 7th day of OCTOBER 1999.**

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

Fakira Ahmed Ahmedhussain Shaikh  
EDMC, At & P.O. Kundslvadiso  
Kundalvadiso (Nanded)

...Applicant.

By Advocate Shri S.P.Inamdar.

V/s

1. Union of India through  
The Chief Postmaster General  
Maharashtra Circle,  
Mumbai

2. The Superintendent of Post  
Offices, Nanded Division,  
Nanded.

3. The Sub Divisional Inspector  
Degloor Sub Division,  
At & P.O. Degloor (Nanded)

...Respondents.

By Advocate Shri V.S.Masurkar.

**ORDER (ORAL)**

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

This is an application filed by the applicant for Compassionate appointment. The respondents have filed reply opposing the application. I have heard Shri S.P. Inamdar counsel for the applicant and Shri V.S.Masurkar counsel for the respondents.

2. The applicant's father Shri Ahmed Hussain Mirasab Shaikh was working as Extra Departmental Mail Carrier at Kundalwadi Sub Post Office in Nanded. He died on 14.11.1996 while on duty. The

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applicant has made an application for Compassionate Appointment. It came to be rejected by the Administration. Therefore the applicant has approached this Tribunal for a direction to the respondents to re-consider his case for compassionate appointment.

3. The respondents in their reply have stated that the applicant's request has been considered as per rule. The applicant is not in indigent condition. He is in possession of sufficient property and therefore he is not entitled for compassionate appointment.

4. The learned counsel for the applicant contended that the applicant is entitled for compassionate appointment since he has no sufficient income and the department has considered the claim of the applicant and rejected the same.

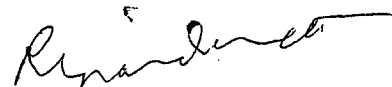
5. In a matter like this scope of judicial review is limited. In this case admittedly the applicant has 3 1/2 acres of agricultural land from which he is getting income. The learned counsel for the applicant submits that the applicant's family consists of wife, two daughters and two sons. For compassionate appointment we are concerned with family members of the deceased employee. The deceased has left behind only one heir, who is the applicant, since the applicant is only heir and has sufficient landed property. The applicant is therefore not entitled for compassionate appointment. This Tribunal while exercising the judicial review has to see whether the Competent Authority has applied his mind or not? This Tribunal cannot re-open the matter and have a different view even if another view is possible. The competent authority has applied his mind and considered the claim

*[Signature]*

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as per Rule. I have gone through the record and satisfied that the competent authority has considered the claim of the applicant as per Rule. I do not find that the applicant has made out any ground for interfering in the matter.

6. In the result the OA is rejected at the admission stage.  
No order as to costs.



(R.G. VAIDYANATHA)  
VICE CHAIRMAN

NS