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in

DATE-OF-ORDER:- 21st-February, -1997

.. APPLICANT

## .. RESPONDENTS

COUNSEL FOR THE RESPONDENTS: Mr.N.V.RAGHAVAREDDY, Addl.CGSC

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HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

## ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.V.Raghava Reddy, learned standing counsel for the respondents.

2. This M.A. is filed for condoning the delay of three months in filing the Review Application. The Review Application is filed for reviewing the judgment dated 17.9.96 in OA 901/96. The main contentions raised in this

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R.A. three fold:-

(i) The case is to be heard by a Division Bench and disposal of this case by the Single Member Bench is incorrect;

(ii) Even now the Review Application has to be heard by a Division Bench; and

(iii) The view taken by the Bench in deciding that the applicant is not placed in an indigent circumstances is incorrect as the final settlement money received by the family has been used for medical and marriage expenses. Further the amount of pension is so meagre that it will be difficult to sustain on the <sup>amount</sup> ~~basis~~ of that money after paying house rent.

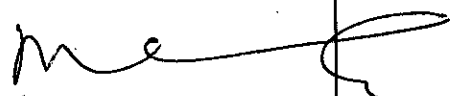
3. As per the order of the Hon'ble Chairman of the Central Administrative Tribunal, a Single Member Bench is empowered to deal with compassionate ground appointment cases. Further having submitted to the jurisdiction of the Single Member Bench at the time of hearing this case, the applicant cannot ask for change of the Bench for review. Hence the first two contentions are unsustainable.

4. The Bench had taken a view that the money received by the wife of the deceased (applicant's mother) by way of final settlement dues and also pension received by her is sufficient to maintain her needs. Her children are grown up and they cannot depend on her, life long to maintain them. The indigent circumstances have to be decided on the

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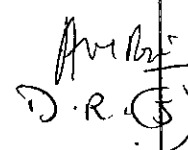
basis of the verifiable records to assess the position of the indigent circumstances. Use of money for medical expenses and marriages cannot be verified through proper records. Further the applicant could have used the money obtained from elsewhere or from other savings for the expenses stated above. Hence if those expenses are not related to the final settlement dues, no prejudice will be caused to the applicant while deciding the case for compassionate ground appointment. Further there are many home less people in this country. The applicant's mother is privileged enough to get pension and she has to manage her affairs with the available money. Just because she does not have a house, she cannot demand a compassionate appointment. Considering all the above points only, a view had been taken that the applicant was not in indigent circumstances warranting compassionate ground appointment. If that view is considered as erroneous, the course left to the applicant is to challenge that view in an appellate court. Review is not a remedy for setting right the view if considered erroneous. In view of the above, the third contention also fails.

4. As there is no merit in the R.A., no useful purpose will be served by allowing this M.A. Hence the M.A. is dismissed and the R.A. is rejected.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

DATED: -21st-February, -1997  
Dictated in the open court.

vsn

  
D.R. (S) 3387

2.4.11

M.A.No.137/97 in R.A.No.384/97 in O.A.NO.901/96.

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YLKR

29/4/97

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THE HON'BLE SHRI R. RANGIRAJAN: M(A)

AND

THE HON'BLE SHRI B.S.J. I PARAMESHWAR:  
M(J)

DATED: 21/2/97

Order/Judgement  
R.P/C.P/M.A.NO.

137/97 in RASR 384/97

in

O.A.NO. 901/86

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED  
DISPOSED OF WITH DIRECTIONS  
DISMISSED *mn* *RA Rejected*  
DISMISSED AS WITHDRAWN  
DISMISSED FOR DEFAULT  
ORDERED/REJECTED  
NO ORDER AS TO COSTS.

II COURT

YLKR

