

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No. 646/2016

Dated this Wednesday the 24th day of July, 2019

CORAM: RAVINDER KAUR, MEMBER (J)

1. Smt Mangalbai S. Sonsale
Aged about 48 years,
Wife of Late Sonyabapu Mahadev
Sonsale, Residing at
A/P Narayandoho,
Taluka and District
-Ahmednagar - 414 201
2. Shri Atmaram S. Sonsale
Aged about 28 years,
Son of Late Sonyabapu Mahadev
Sonsale, Residing at
A/P Narayandoho,
Taluka and District
-Ahmednagar - 414 201 ... **Applicants**

(*By Advocate Shri P.J. Prasadrao*)

VERSUS

1. Union of India
Through the Secretary,
Ministry of Defense
South Block,
New Delhi - 110 011.
2. Directorate General Mechanised Forces
General Staff Branch,
IHQ of MoD (Army)
DHQ PO, New Delhi - 110 011.
3. Headquarters
The Mechanised Infantry Regimental Centre
Pin - 900 476, C/o-56 APO ... **Respondents**

(*By Advocate Shri M.N. Mulla, proxy counsel for
Shri A.M. Sethna*)

O R D E RPer: Ravinder Kaur, MEMBER (J)

The applicants have filed this OA
17.03.2016 under Section 19 of the
Administrative Tribunals Act, 1985 seeking the
following reliefs:-

- "8(a) To allow this application
- (b) This Hon'ble Tribunal be pleased to call for record and recording of the Board of officers held on 07.10.2016 and be please to issue directions to the respondent No.2 and 3 to consider the applicant for the post of Civilian Barber in the Composite Training Battalion, MIRC unit and also anywhere in India as there are vacancies exists for the post or in alternate the applicant may be consider for the post of MTS or any other suitable post, as the applicant No.2 is qualified.
- (c) Any other and further relief as deemed fit and proper in the interest of justice.
- (d) The cost of the application be provided for to the applicant.

2. MA No. 718/2016 filed by the applicants for Joint Petition is allowed.

3. The applicant No.1 is the widow of late Shri Sonyabapu Mahadev Sonsale (hereinafter referred as 'deceased employee'). The applicant No.2 is the son of the deceased employee. They have approached this Tribunal seeking direction to the respondents to consider the case of the applicant for the post of Civilian Barber in the Composite Training Battalion, MIRC unit or for the post of MTS or any other suitable post anywhere in India. It is claimed that his father expired on 21.01.2011 while he was serving on

the post of Barber. The applicant No.2 approached the respondent No.3 for compassionate appointment and his application was forwarded to respondent No.2 vide letter dated 12.03.2011 issued by respondent No.3. Thereafter the applicant made representation dated 21.03.2011. He issued reminder dated 20.04.2011. He forwarded another representation dated 27.09.2011.

4. It is submitted that vide letter dated 11.10.2011 addressed to Dte. Gen. Mech Forces (Pers), General Staff Branch, IHQ of Mod (Army), DHQ PO, New Delhi by Lt Col, Col Adm. For Comdt, in pursuance to his representation dated 27.09.2011, it was requested to accord necessary sanction for employment of the applicant No.2 for the post of Barber on compassionate ground at his choice station or anywhere in India at the earliest. However, despite this he was not granted compassionate appointment and therefore, he made another representation dated 12.01.2012 citing the financial problems being faced by the family on account of sudden demise of the ex-employee.

5. The applicant obtained information under

RTI vide letter dated 02.11.2015 (Annexure A-1) whereby he was informed that the Board of Officers for appointment on compassionate appointment vacancies was held on 07.10.2014, but the name of the applicant did not come up in the merit for consideration.

6. Vide present OA, he has challenged the order dated 07.10.2014. The applicant is seeking direction to the respondents to grant him compassionate appointment on the ground that his family is in indigent condition and is unable to meet the expenses with meager family pension. The brother of the applicant is studying MSC Computer Science. The family is managing its affairs by borrowing money from various sources and is under debt.

7. From the record, it is observed that the notice of the OA was duly served upon the respondents and they were represented by Advocate Shri A.M. Sethna. However, despite various opportunities to the respondents including last opportunity given on 25.10.2018, they did not file reply to the OA. As such, all the contentions of the applicant on record have remained uncontroverted.

8. I have heard arguments addressed by learned counsel for the applicant who has also filed written submissions on record, which have been carefully perused alongwith other material available on record.

9. In the facts and circumstances of the case, it would meet the ends of justice, if the respondents are issued necessary directions to consider the case of the applicant. Consequently, the respondents are directed to consider the case of the applicant afresh for compassionate appointment as per rules/relevant provision of law vide reasoned and speaking order within a period of eight weeks from the date of receipt of a certified copy of this order and to communicate the same to the applicant within a period of one week thereafter. This order is not expressing any opinion on the merits of the case or on the aspect of delay.

10. With these directions, the Original Application is disposed of. MA No.717/2016 stands closed. No order as to costs.

ma.

(Ravinder Kaur)
Member (J)

