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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1854/98

New Delhi: this the 12th day of March, 1999.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

1. Shri Usman Khan,
B-440, Sewa Nagar,
New Delhi-110003.

2. Shri Mohd. Ali,
S/o Shri Uman Khan,
B-440, Sewa Nagar,
New Delhi -03.

..... Applicant.

(By Advocate: Shri R.K.Shukla)

Versus

Union of India through

1. Director General,
Central Public Works Department,
Nimman Bhawan,
New Delhi.

2. Superintending Engineer,
CPWD, Vigyan Bhavan Circle,
New Delhi.

3. Executive Engineer,
CPWD, Room No.558,
Krishi Bhavan,
New Delhi.

4. Assistant Engineer,
CPWD,
Sub-Division,
Nimman Bhawan,
New Delhi

.... Respondents.

(By Advocate: Shri D.S.Jagotra)

ORDER (ORAL)

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A) :

1. Applicant No.2 who is the son of Applicant No.1 seeks compassionate appointment.

2. Applicant No.1 joined respondent department as Mason in 1959 and retired on superannuation upon attaining the age of 60 years on 31.1.98. The Medical Certificate dated 12.7.84 (Annexure-A) shows that well before that

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date he had become visually handicapped in both eyes and by July, 1997 his visual disability was 100% (vide M.C. dated 16.7.97 at Annexure-A2). Respondents aver that as per OP & T's OM dated 30.6.87 (Annexure-R VI) compassionate appointment on medical grounds of a son or near relative of a Group 'D' Govt. servant can be considered only when the Govt. servant retires before attaining the age of 57 years on medical grounds, but applicant No.1 retired on superannuation after attaining the age of 60 years and hence compassionate appointment is not permissible under rules.

3. In this connection, I notice that notwithstanding the above, the Sr. Labour Officer, OPWD in his letter dated 22.12.97 (Annexure-A4) addressed to Ex. Engineer has strongly recommended applicant's case, having regard to his pitiable financial condition. Respondents' counsel Shri Jagotra has also stated that respondents have full sympathy for applicant, but compassionate appointment to applicant No.2 is not permissible under rules, and furthermore even engagement of persons on daily wages, casual basis has been banned under recent instructions issued by respondents.

4. Shri Jagotra however states that as and when persons are engaged on daily wages, casual basis, applicant's case will be considered. Noting this statement made by Shri Jagotra, the OA stands disposed of. No costs.

Arulog
(S.R. ADIGE)
VICE CHAIRMAN (A).