

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT RANCHI

Registration No. OA /0051/140/2021

CORAM

HON'BLE SHRI M.C.VERMA, MEMBER (JUDICIAL)
HON'BLE SHRI SUNIL KUMAR SINHA, MEMBER (ADMINISTRATIVE)

DATE OF ORDER: 11.03.2021.

Suresh Chandra Yadav, aged about 35 years, son of Rama Kant Yadav, resident of DS/1/84-F, A Type, Railway Colony, Balidih, 43 More, Bokaro Steel City, P.O.-Bokaro Steel City, P.S.-Bokaro Steel City, District-Bokaro, Pin-827010.

.....Applicant

By advocate : Shri Ankit Vishal.

Versus

1. Union of India through General Manager, South Eastern Railway, Garden Reach, Kolkata, P.O.-Garden reach, P.S.-Garden Reach, District-Kolkata, Pin-700024.
2. Divisional Railway Manager, South Eastern Railway, Adra Division, Adra, P.O.-Adra, P.S.-Adra, District-Purulia (West Bengal). Pin Code-723101.
3. Senior Divisional Personnel Officer, South Eastern Railway, Adra Division, Adra, P.O.-Adra, P.S.-Adra, District-Purulia (West Bengal). Pin Code-723101.

.....Respondents

By Advocate : Mrs. Mahua Palit.

ORDER (ORAL)

Per M.C. Verma, Member (Judi.) :- Instant OA has been preferred by the applicant, son of Rama Kant yadav, an deceased employee of respondents department. The prayer as has been made in the OA is as under :-

“8.1- For issuance of direction upon the respondent authorities to disclose the decision of board of meeting, CIP Ranchi held on 20.02.2018 in relation to the mental health of the applicant’s father and further issue the medical fitness certificate of the applicant’s father.

8.2-For setting aside the letter dated 13.08.2020 (Annexure-8) issued by Asstt. Personnel Officer, South Eastern Railway, Adra whereby and where under the claim of the applicant for compassionate appointment in place of his father namely Rama Kant Yadav has been rejected on the ground that the father of the applicant has superannuated from the services on 30.06.2020 and further to consider the case of the applicant for appointment on compassionate ground in place of the applicant's father who was suffering from Dementia and was declared unfit for duty by CIP, Ranchi on 20.02.2018."

2. For sake of brevity, impugned letter dated 13.08.2020 is also re-produced below :-

"

S.E. Railway

Office of the
Divl. Personnel Officer (I/C)
S.E. Railway/Adra

No.

SER/P-ADA/Mech.(NR) Bill/Griv./rama Kanta
Yadav/2020. Date : 13.08.2020.

In reference to your representation dated NIL quoted above, this is to inform you that the case has been put up to the competent authority of this Division for his kind perusal along with the details of the case that Sri rama Kanta yadav, Ex-Tech-II(C&W)/BKSC has already been retired on superannuation on 30.06.2020 and he has been under sick since 27.10.2016. Payment of salary had already been made in favour of Sri Yadav from 27.10.2016 to 17.08.2017 debiting from his LAP & LHAP account and payment of salary cannot be drawn since 18.08.2017 as there was no leave in his credit. On further examination, it is also detected that retirement benefits have already been extended to Sri Rama Kanta Yadav except DCRG & Leave Salary due to Railway Qrs. Has not yet been vacated and no leave in his credit, respectively.

On perusal of the case in details, the competent authority has opined that payment has already been made till leave exists in his credit and no payment of salary has been paid die to no leave in his credit as well as compassionate appointment cannot be extended to eligible ward because sri Rama Kanta Yadav has been retired on superannuation on 30.06.2020 and there is no provision of extending compassionate appointment to ward of the staff, who retired on superannuation.

This is for your information please.

Asstt. Personnel Officer

For Divl. Personnel Officer (I/C)

S.E. Railway/Adra"

3. Learned counsel for applicant Shri Ankit Vishal submits that father of the applicant fall ill and become medically uncapable to discharge his duty but he was not declared medically unfit by the respondents till his superannuation. That mother of the applicant made application for compassionate appointment of the applicant but it was denied. He also urged that the father of the applicant was referred to CIP Ranchi and the decision about mental health of applicant's father was also not disclosed to the applicant.

4. Learned counsel for the respondents vehemently opposed the maintainability of the OA stating that there is no provision for appointment on compassionate ground of ward of an superannuated employee and as far as the monetory benefits of applicant's father relates, they have been paid and applicant has no grievance also qua retirement dues of his father.

5. It is enquired from counsel for applicant that whether there is any provisions or Rules where under a ward of superannuated employee can be given appointment on compassionate ground and he answered that it is true that after superannuation of an employee, his/her ward cannot be appointed on compassionate ground but if the respondents would have declared the father of the applicant medically unfit during his service period said appointment can be given. He urged that applicant may

be allowed to withdraw this OA with liberty to approach the Authority/Forum to get information about the decision of mental health of his father.

5. Considered the submissions. The OA is dismissed as withdrawn. Applicant if wants information regarding mental health of his father, he may approach the concerned authority through RTI or by any other permissible means.

[Sunil Kumar Sinha]
Member (A)

[M.C. Verma]
Member (J)

Pkl/