

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 2096/92

Date of decision: 6-7-93.

Anil Kumar Vashisht

...Applicant

V E R S U S

Union of India & Another

...Respondents

CORAM:

THE HON'BLE MR. J.P.SHARMA, MEMBER(J).

For the applicant

...None.

For the respondents

...None.

JUDGMENT (ORAL)

The applicant is the son of an ex-railway employee. ' In the year 1986, Shri Mata Din while working as Shedman in B-1 medical category was sent for periodical re-examination on 22-9-86 at D.M.O., Rewari, Northern Railway. He was declared unfit in B-1 and B-2 medical category and found fit in C-1 on 11-8-87 vide certificate annexed to the counter as R-1. He was, therefore, absorbed in the alternative category as Telephone Clerk, grade Rs.1200-2040 from 29-5-87. He retired as Sr. Clerk on attaining the age of superannuation on 31-8-91. Now, it appears that said Shri Mata Din had died on 3-2-1992 after reaching the age of superannuation.

2. In this application, Anil Kumar Vashisht is seeking appointment on compassionate grounds stating that his father was declared sick and a representation was made to the D.R.M./Bikaner for his compassionate appointment. This application was filed on 12-8-92, i.e., after the death of the father. The applicant has claimed relief for compassionate appointment.

3. The respondents contested the application and stated that Shri Mata Din had died after superannuation and the applicant has no case for compassionate appointment. The counter was not filed in time; there is also a prayer to take the same on record. The respondents have also annexed

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the rules relating to compassionate appointment (annexure R-3). This circular of the Railway Board dated 7-4-83 lays down that when railway employees become crippled while in service or develop serious ailments like heart diseases, cancer etc. or otherwise medically decategorised for the job they are holding and no alternative job of the same emoluments can be offered to them, then the appointment on compassionate grounds can be made available to the dependents/wards of regular railway employees. In the present case, Shri Mata Din was found fit for medical category 'C' and he was absorbed as Telephone Clerk in the scale of Rs.1200-2040 w.e.f.25-9-87. He also retired on superannuation. Thus, the applicant, according to the respondents, has no case.

4. None appears from either side, therefore, the case is decided on the basis of the pleas of the parties.

5. I have read the pleadings and the relevant circular of 7-4-83 on the point of compassionate appointment. The dispute in the case is that Shri Mata Din was declared medically sick on 24-9-90 and thereafter he did not join his duty till his superannuation on 31-8-91. However, this is admitted to the applicant that on 11-8-87, Shri Mata Din was decategorised from category 'B' to category 'C' and absorbed in the alternative post of Telephone Clerk from 25-9-87. In fact, if a person becomes sick not to attend his duties, then by itself, it is nowhere provided that the ward of such a sick person be given compassionate appointment. It is not the case of the applicant that Shri Mata Din suffered from serious ailments like heart disease, cancer etc. He was on the sick list till the date of his superannuation, i.e., 31-8-91. Thus, according to the circular of Railway Board, the applicant has no case.

6. In the rejoinder filed by the applicant, there is a reference to the authority of Anachankandy Chathu And Another Vs. Regional Manager, Southern Railway, Palghat & Another, reported in 1990 (12) ATC p.235. This case relates to an employee where the vision of both the eyes were affected and he was declared medically unfit for all classes. The present case is different and has different facts. Thus, the applicant has no case for compassionate appointment. The application for compassionate appointment, therefore, is dismissed leaving the parties to bear their own costs.

J.P. Sharma

(J.P.SHARMA)
MEMBER (JUDL)

6.7.93

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