

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

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O.A.No. 1163 of 1988

1) Dhani Ram, (deceased)

2) Jagdish Prasad ...

Applicant

Vs

D.R.M., Central Railway, Jhansi
and another ...

Respondents

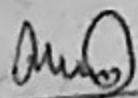
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HON'BLE MR MAHARAJDIN, MEMBER - J

This is an application under Section 19 of the Administrative Tribunal Act, 1985 seeking the relief for compassionate appointment of applicant No.2.

Applicant No.1, father of applicant No.2, after having put in 38 years in the railway, was declared medically unfit (Annexures A-1 and A-2). It is stated that he made constant approach to respondent No.1 for providing alternative job on any suitable post, but the same was not considered. He made request for providing compassionate appointment to his son, applicant No.2, which has also been rejected. Hence he has come up before this Tribunal seeking the relief to provide compassionate appointment to his son, applicant No.2.

The respondents filed Counter Affidavit and resisted the claim of the applicant on the ground that according to Circular No. E(NG)III/78/RCI/T dated 07-04-83, the employment on compassionate ground to the wards of the railway employees

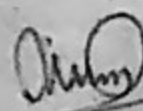


which had been medically decategorised after completion of 55 years of age cannot be provided.

The Railway Board had decided that the appointments of the wards of the railway employee who has been medically decategorised after completion of 55 years of age, may be referred to Head Quarters for consideration. The case of the applicant was referred to Head Quarters and the request was turned down vide letter dated 24-10-1986. The respondents have stated that screening to offer any alternative job to medically decategorised employee is being done and efforts are made to offer them suitable alternative job. Applicant No.1 Dhari Ram was also called for screening on 02-06-86, but he was not found suitable for any job equivalent to the post which he had already held, but he was settled up with effect from 04-07-86. In a letter dated 13-02-87 the applicant No.1 was informed that since he attained the age of 57 years 7 months at the time of medically decategorisation, therefore, the job to his son on compassionate ground cannot be provided. The applicant No.1 had almost completed the full term of his service as only five months were left in his retirement on attaining the age of superannuation. The policy for providing compassionate appointment is based upon the concept of welfare state and while providing the compassionate appointment certain conditions are to be fulfilled, such as the family of the medically decategorised employee is in distress and indigent

condition and immediate assistance is required to the family. The applicant No.1 had served the railway for 38 years and he has been settled up on attaining the age of 57 years 7 months, as such, he was entitled to get all retiral benefits such as pension, gratuity etc., therefore, the condition of the family of the applicants is neither indigent nor in distress and in these circumstances the Railway Administration has rightly refused to provide the compassionate appointment to applicant No.2, who is son of medically decategorised employee.

In view of the discussions made above I find that there is no merit in the case of the applicants and their application for compassionate appointment is hereby dismissed with no order as to cost.



MEMBER-J

Dated: Allahabad, September 9th, 1993.
(VKS PS)
