

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 931 of 1992

Allahabad this the 18th day of January, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Ramdin, aged about 55 years, son of Shri Bhaggi, resident of Chhipeti Mohalla, Bhandr, District Gwalior.

Applicant

By Advocate Shri R.K. Naigam

Versus

1. Union of India through General Manager, Central Railway, Bombay V.T.
2. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri Amit Sthalekar

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member(J)

Shri Ramdin while working as Yard Khalasi with the respondents, was declared medically deac-
gorised due neurological trouble and rendered medically unfit for the post. At that time, his son Rajendra

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See m/s

Kumar was of 4 years and now, on his attaining majority, he applied for his appointment on compassionate ground but the same has been refused by the respondents. The applicant has also mentioned that he has not been paid the retiral benefits like pension and gratuity etc. and has come up before the Tribunal for direction to the respondents for appointment of his son-Rajendra Kumar on compassionate ground and for a payment of retiral benefits.

2. The respondents have contested the claim of the applicant for appointment on compassionate ground with the mention that when the applicant was medically incapacitated for the job, ^{he} ~~was~~ was doing at that time with the respondents, he was offered alternative job which the applicant refused and, therefore, no case of compassionate appointment comes up. It has also been mentioned that the applicant moved earlier for the appointment of this other son-Balbir Singh, which was also refused on the similar ground. About retiral benefits, it has been pleaded in para-14 of the ~~compassionate~~ counter-affidavit that the applicant has ^{paid} ~~settled~~ all his dues, to which he has no denial in corresponding para of the rejoinder, which goes to draw an inference that the dues have already been settled and nothing remains. So far as appointment on compassionate ground is concerned, as per relevant provisions, it is available only

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to those medically decategorised employees who are not offered alternative job, without loss of emoluments. In the present case, it is not in dispute that the alternative appointment was offered to the applicant but he did not accept the same. It has not been pleaded on behalf of applicant that the ^{offered} alternative post was carrying lesser emoluments. So far as direction for providing appointment to Shri Rajendra Kumar on compassionate ground is concerned, it will badly embrass the respondents who have already refused appointment on compassionate ground to elder brother of Rajendra Kumar namely Balbir Singh. Under the circumstances, no legal help is possible to the applicant by issuing direction as prayed for.

3. For the above, the O.A. is dismissed accordingly. No order as to costs.



Member (J)

/M.M./