

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 4th day of May 1999.

Original Application no. 1727 of 1994.

Hon'ble Mr. Justice Neelam Sanjiva Reddy, Vice-Chairman
Hon'ble Mr. G. Ramakrishnan, Administrative Member.

Sri Ganesh, S/o Sri Satya Narain, R/o Block No. 324 G,
Smith Road, Railway Colony, Allahabad.

... Applicant.

C/A Shri S.K. Tyagi, Sri D.V. Singh

versus

1. Divisional Railway Manager, Allahabad.
2. Chief Medical Superintendent Northern Railway, Hospital Allahabad.

... Respondents.

C/R Shri A. Tripathi.

ORDER

Hon'ble Mr. Justice Neelam Sanjiva Reddy, V.C.

The applicant has filed this O.A. with a prayer to direct the respondents to retire him on medical ground and consequently give the benefit of compassionate appointment to one of his dependents.

2. The facts of the case are that the applicant who was working as Gangman, in 1992 went to Railway Doctor for treatment on the ground of failing vision. He was

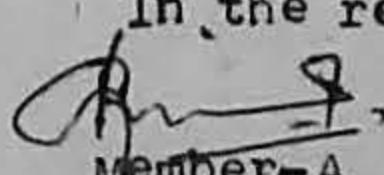
treated at different hospitals and he had also been referred to the AIIMS for examination and report, but he could not remain present during the whole period of examination and failed to take constant treatment. Respondents could not obtain his medical report from the AIIMS for retiring him on medical grounds. Ultimately he was retired on his normal date of his superannuation. The applicant questioning such retirement has filed this O.A.

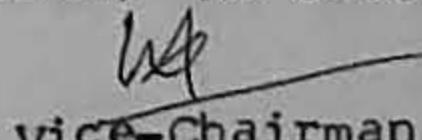
3. Learned counsel for the applicant submits that retirement on the normal date of retirement is arbitrary and he should have been declared medically unfit earlier and respondents ought to have retired him medically and allowed him benefits of compassionate ground appointment on such retirement.

4. Learned counsel for the respondents submits that the applicant was retired on the normal date of superannuation and has availed all the benefits admissible on such retirement.

5. We have carefully perused the facts of the case and are of the view that applicant is not entitled for any relief for the following reasons. The applicant was not found medically unfit by competent authority. He enjoyed all the benefits of normal retirement. It is clear from the record that he has been discharged from sick list due to non attendance. It is clear from the rule relevant for appointment on compassionate ground that he does not fall under ~~parametres~~ of the rule for claiming compassionate appointment for his dependents.

6. In the result the OA is dismissed. No cost.


Member-A


Vice-Chairman