

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.248/09

Friday this the 22<sup>nd</sup> day of October 2010

**C O R A M :**

**HON'BLE Dr.K.B.SURESH, JUDICIAL MEMBER**

Sri.M.J.Johnson,  
S/o.Joseph,  
Asst. Postmaster (SB),  
Thodupuzha Head Post Office.  
Residing at Dipunivas, Arakkulam PO.

...Applicant

(By Advocate Mr.P.C.Sebastian)

**V e r s u s**

1. The Postmaster General,  
Central Region, Kochi – 682 018.
2. The Supdt. of Post Offices,  
Idukki Division, Thodupuzha – 685 584.
3. The Union of India represented by its Secretary,  
Ministry of Communications, Department of Posts,  
New Delhi.
4. The Secretary to Government of India,  
Ministry of Health and Family Welfare,  
New Delhi.

...Respondents

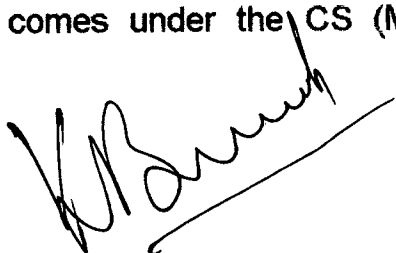
(By Advocate Mr.Sunil Jacob Jose,SCGSC)

This application having been heard on 22<sup>nd</sup> October 2010 this Tribunal on the same day delivered the following :-

**ORDER**

**HON'BLE Dr.K.B.SURESH, JUDICIAL MEMBER**

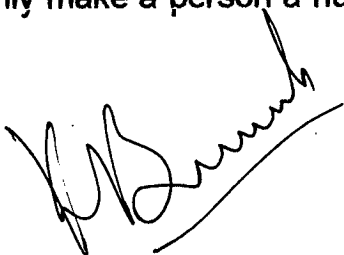
The question involved is whether the renal failure can be measured as permanent disability or not. If it is a permanent disability, a son who is dependent on his father who is a Government employee irrespective of age limit comes under the CS (MA) Rule. The CS (MA) Rule has been



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formulated as a beneficial measure so that the Government servants while in service and after retirement need not resort to begging to continue with their lives. This applies to the dependents as well. Appendix 7 of the CS (MA) Rule delineate that for a kidney transplantation and similar treatment methodologies for T.A. the donor as well, even if they be private person, is admissible. It is noted that these are clubbed together in all debilitating and possible fatal diseases. The medical journals described renal failure as a serious disability and with limited possibility of cure. A person, therefore, afflicted with renal failure can thus be categorised as unfortunate in the extreme. Palliative care only seems to be possible as renal transplantation are not deemed to be that successful. Taken in that sense, renal failure is without any doubt a permanent disability.

2. The respondents rely on Annexure A-10 which apparently have not specified renal failure. It seems that they have measured the disability equating with it the disability as provided in Equal Opportunities, Protection of Rights and Full Participation Act 1995. These disabilities, as it would be seen, are fatal disabilities which makes their physical existence challenged. The word leprosy cured and low vision etc. would indicate the scope and ambit of this definition. It is only intended to convey that this disabilities would come under the ambit of disabilities which can be successfully converted into abilities for differently abled person. It does not mean that these are permanent disability, per se, even though this disability may be permanent in nature it does not canvass a view that extended degree of such disability is to render a person a human vegetable. But a renal failure will certainly make a person a human vegetable. Therefore, the permanent

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disability canvassed under the CS (MA) Rules are different from permanent disability that was canvassed under Equal Opportunities, Protection of Rights and Full Participation Act 1995.

3. Therefore, Annexure A-10 order is hereby quashed. In consequence thereof it is declared that the applicant's son is having a permanent disability and hence entitled for reimbursement of the expenses incurred by the applicant for the treatment under the provisions of CS (MA) Rules, 1944. In consequence thereof the respondents are directed to look into the Annexure A-5 bills positively within a period of three months and issue payment thereof to the applicant within the said period without any interest. If it crosses three months period, interest at the rate of 12% shall be payable. The OA is allowed as above. No order as to costs.

(Dated this the 22<sup>nd</sup> day of October 2010)



**Dr.K.B.SURESH**  
**JUDICIAL MEMBER**

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