

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW.

ORIGINAL APPLICATION NO: 192/2006.

THIS, THE 25TH DAY OF APRIL 2006.

HON'BLE SHRI K.B.S. RAJAN MEMBER (J)

Kumari Renu Bharti aged about 23 years D/o Late Mithai Lal and Late Shyama Devi C/o Smt Tara Devi, B-3, Railway Colony Bandariya Bagh, Lucknow. U.P.

.....Applicant.

By Advocate : Shri M. A. Siddqui.

Versus

1. Union of India through the General Manager North Eastern Railway Gorakhpur.
2. The Divisional Railway Manager North Eastern Railway, Ashok Marg Lucknow.
3. The D.R.M. (P) represented by D.P.O. North Eastern Railway Lucknow.
4. The C.M. S. North Eastern Railway Badshsh Nagar, Lucknow.

.....Respondents.

By Advocate : Shri Saurabh Lavania.

Order (Oral)

By Hon'ble Shri K.B. S. Rajan, Member (J)

This application has been filed seeking with the following reliefs:

- A. This Hon'ble Tribunal be pleased to quash impugned order as contained in Annexure A-6.
 - B. After Quashing Annexure A-6, the respondents be directed to extend the medical treatment to the applicant for which she is entitled.
 - C. The applicant be given compassionate appointment after medical treatment and if she is found medically fit for any category as she has already qualified the examination held for appointment on compassionate ground.
2. Briefly stated, the applicant's father, Mithai Lal expired in April 1998 and the applicant preferred an application for compassionate appointment. While she had cleared the examination held for such appointment, she was medically declared unfit vide order dated 5.1.2001. Subsequently, the applicant made a few representations and in response thereto, the respondents have rejected the case of the applicant vide the impugned order dated 5.1.2006. According to the said impugned order, compassionate appointment in

her case of the applicant cannot be granted unless the applicant produces medical fitness certificate.

3. The learned counsel for the applicant submits that the applicant is entitled to the following:

- (a) Medical treatment in the Railway Hospital
- (b) Compassionate appointment under the existing rules.

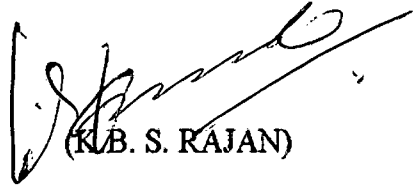
He has also contended that his request for such medical treatment as contained in the representation vide Annexure A-5 has not been responded to, while the request for compassionate appointment has however been rejected by the impugned order.

4. The learned counsel for the respondents submits that, and rightly so, that by asking for medical treatment and compassionate appointment, the applicant has sought multiple reliefs. In view of the fact that, the entire pleadings revolved round grant of compassionate appointment only, in so far as, the prayer relating to medical treatment is concerned, the same cannot be considered in this O.A. It is however, open to the applicant, to approach the concerned authority in this regard and in case of rejection of the request of the applicant for such medical treatment, the applicant has a liberty to approach this Tribunal by a separate O.A.

5. So far as, grant of compassionate appointment is concerned, vide order dated 5.1.2001, the rejection of the applicant's case for compassionate appointment is on the ground that she was medically unfit for all categories. However, this out right rejection has been diluted considerably by the impugned order-dated 5.1.2006 wherein the applicant was asked to furnish certain certificate. As the applicant's father served in the Railway it will be in the fitness of things if a medical examination is conducted now by a Medical Board constituted by Railway Hospital authority and, in case, the applicant is found fit for any of the categories, her request for compassionate appointment be considered in accordance with rules.

6. In view of the above, this Original Application is disposed of with the direction to the respondents to cause instructions issued to the medical authorities concerned to constitute a Medical Board and the Board shall inform the applicant of the date for medical examination and the respondents shall act on the basis of the medical report that

may be furnished by the medical authorities. This drill will be completed within a period of four months from the communication of this order. No costs.



(K.B. S. RAJAN)

MEMBER(J)

v.