

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD  
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D.A. 1551/93.

Dt.of Decision : 12-8-94.

B. Lokanadha Rao

.. Applicant.

Vs

1. Union of India, rep. by  
its General Manager,  
SE Rly, Garden Reach,  
Calcutta - 43.
2. Divisional Railway Manager, (P)  
SE Rly, Visakhapatnam.
3. Divisional Personnel Officer,  
SE Rly, Visakhapatnam.

.. Respondents.

Counsel for the Applicant : Mr. P.B. Vijaya Kumar

Counsel for the Respondents: Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

O.A.No.1551/93

Dt. 12.8.1994

X As per Hon'ble Shri A.V.Haridasan, Member (Judl.)

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This is an application filed by the applicant who is son of a retired railway employee for appointment on compassionate grounds. The applicant's father while working as C.T.C(O) fell accidentally and sustained injuries on 13.1.91 for which he was taken for treatment to railway hospital Waltair and kept there for treatment till 13.2.91. Then he was taken to King George Hospital, Visakhapatnam where he was treated for 2 months and was again send back to railway hospital, Waltair on 2.4.90. From there he was sent to Central Hospital, Garden Reach, Calcutta where he underwent treatment for 3 months. The medical authorities of the Central Hospital, Garden Reach, Calcutta observed that the applicant's father was unfit for continuance of service and advised that a medical board be constituted for considering his retirement on invalid grounds. However a medical board was <sup>not</sup> constituted and ultimately the applicant's father retired on superannuation on 30.6.92. The grievance of the applicant is that the directions for constitution of a medical board and medical invalidation of the applicant's father were not taken consciously by the respondents with a view to deny the benefit of compassionate appointment and <sup>attendant</sup> similar benefits. However on the death of the applicant's

24

father, the applicant's mother made a representation seeking employment assistance to her son (the applicant) on compassionate grounds. This request was turned down by the impugned order dated 27.7.93 (A-1) wherein the applicant's mother was informed that her request ~~would~~ not be acceded to as her husband had retired attaining the age of superannuation. Challenging this order, the applicant has filed the present OA praying that, a direction may be given to the respondents to appoint the applicant in a suitable post on compassionate grounds.

Though the case was adjourned on several dates, no reply statement has been filed yet by the respondents. However, I have heard, Mr PB Vijayakumar, learned counsel for the applicant and Shri NR Devraj, learned Standing Counsel for the respondents. The Hon'ble Supreme Court has held in Auditor General of India Vs Anantha Rajeshwara Rao (reported in 1994 SCC(L&S) 500) that making compassionate appointment can be justified only in case of a government servant who dies in harness leaving the family under indigent circumstances without any earning member. In this case, the father of the applicant retired on superannuation on 30.6.92 and it was thereafter that he expired in October, 1992. Therefore, it cannot be said that the applicant's father died in harness to enable the applicant to claim employment assistance on compassionate grounds. Further, from the allegations made in the application itself, it cannot be held that the family has been left under indigent circumstances on account of the demise of the applicant's father. As the applicant's father retired on superannuation, he would have got all the retirement and benefits including ~~monthly~~ monthly pension on his death, the applicant's mother would be getting family pension. Apart from the applicant's mother and the applicant,

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26

there are no other <sup>in</sup> family members in the family. There is no liability of marrying girls. The applicant himself was 24 years old when the applicant's father died. In this background, it cannot be held that <sup>in</sup> the death of applicant's father, the family has been driven to indigence. Therefore, on a careful consideration of the entire facts of the case, I am of the view that the case of the applicant does not qualify for grant of employment assistance on compassionate grounds; especially, in the light of ruling of the Hon'ble Supreme Court cited supra. In the result, as there are no merits in this OA, this OA is dismissed without any order as to costs.



(A.V. HARIDASAN)  
Member (Judl.)

Dated: 12th August, 1994

Dictated in the Open Court

sd/  
mvl

  
DEPUTY REGISTRAR (J)

To

1. The General Manager, Union of India, South Eastern Railway, Garden Reach, Calcutta - 43.
2. The Divisional Railway Manager, (P), South Eastern Railway, Visakhapatnam.
3. The Divisional Personnel Officer, South Eastern Railway, Visakhapatnam.
4. One copy to Mr. P. B. Vijaya Kumar, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

YLKR