

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 70 of 1998

Jabalpur, this the 4th day of August, 2003.

Hon'ble Mr. J.K. Kaushik, Judicial Member
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Sukhlal aged about 56 years,
son of late Shri Balbir,
Ex-Driver Grade I,
755 (I), Transport Platoon,
ASC (Civil) GT, Jabalpur
resident of House No. 746,
Bapu Nagar Madras Line,
Ranjhi, Jabalpur (MP)

APPLICANT

(By Advocate - Shri S. Nagu)

VERSUS

UNION OF INDIA, through

1. The Officer Commanding
755, Sevatantra Parivahan Platoon
Sena Seva Corp (ASC) 755 (I)
Transport Platoon, ASC (Civil) GT,
Jabalpur (MP)
2. The Chief Controller of Defence
Accounts (Pensions), Allahabad (U.P.)
3. The Commandant,
Military Hospital, Jabalpur (MP)
4. Shivnath,
aged about 27 years,
S/o Shri Sukhlal,
Near Seethlamai Mandir,
Ghamapur, Jabalpur (MP)

RESPONDENTS

(By Advocate - None)

O R D E R (ORAL)

Shri Sukhlal has filed this original Application
praying therein to quash (Annexur A/10) letter dated 5.1.98
and also he has sought further direction to the respondents
to produce all relevant material in addition to his
reinstatement in service.

2. Brief facts of this case are that the applicant
entered as a Civilian employee in the Military service on
27.3.1963 as a messenger. Subsequently he was promoted in

the cadre of driver. After about 30 years of service he was retired on medical ground on 14.3.1993. The applicant was admitted in military hospital on 28.10.97 for re-medical examination and after medical examination, he was discharged on 19.11.97. The medical Board have recommended in discharge slip that the applicant be retained in service. But, his request for reinstatement was turned down. Original Application has been filed on number of grounds mentioned in para 5 of the O.A.

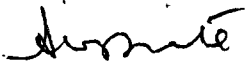
3. The counter reply has been filed on behalf of the respondents, wherein it has been averred that after discharge of the applicant on medical grounds, his son was granted appointment on compassionate ground in accordance with the rules. The respondents have submitted that the applicant, by way of the instant petition is trying to seek undue advantage knowing fully that he is not entitled to the claim preferred by him. He had never challenged his boarding out on medical grounds. An affidavit has also been filed by the applicant that his son is not supporting him. Only a meagre amount has been paid to him. On the other hand his son who was impleaded by the private respondents and has submitted he is paying ^{of his father} sum of Rs.500/- per month in his favour and he himself is also facing financial hardship.

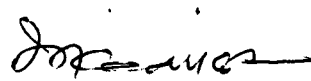
4. We have heard learned counsel for the parties and have perused the records of this case carefully. By now the applicant has already attained the age of superannuation and even if we accept the prayer of the applicant, no effective relief could be granted otherwise also since the applicant has chosen and on his application his son was granted compassionate appointment, there can be hardly any question for reinstatement of the applicant in service simultaneously. Thus the very Original Application is misconceived and we find that there is absolutely no cause for our interference.

and the respondents have not committed any illegality or arbitrariness in their action.

5. However age of the applicant is 60 years by now and the certain special facts have been placed on record inasmuch as it is submitted that the respondents No. 4 who is son of the applicant and appointed on compassionate ground is not supporting him. The matter causes sensation and needs sympathetic consideration. We also find from the records the respondents No. 4 has also expressed difficulties and categorically submitted that certain amount i.e. Rs.500/- is being paid to the applicant since he is only getting appropriate an amount of Rs.3200/- basic pay. We think it would be appropriate if certain amount is directed to be deducted from the pay bill of the respondents No. 4 and remitted to the applicant that would subserve the cause of justice. In our opinion an amount of Rs.750/- Per month would suffice. We get support of this proposition from the Hon'ble Supreme Court, decision in UP State Electricity Board Vs. UP Bijli Karmachari reported 1998 SCC (L&S) 157 wherein their Lordships in similar circumstances have such directions.

6 In the premises we dispose of this OA with a direction to the respondents No. 1 that an amount of Rs750/- shall be deducted from the monthly salary of Shri Shiv Nath respondent No. 4 and remitted directly to the applicant immediately in first of the week of every month. OA stands disposed of.


(Anand Kumar Bhatt)
Administrative Member


(J.K. Kaushik)
Judicial Member