

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA-1437/2015

Reserved on : 22.07.2016.

Pronounced on : 26.07.2016.

Hon'ble Sh. Shekhar Agarwal, Member (A)

Sh. Tialk Raj Singh, 50 years

S/o Sh. Harcharan Singh,

R/o 364, Prabhat Nagar,

Meerut, UP.

(through Sh. G.C. Nagar, Advocate)

.....

Applicant

Versus

1. Union of India through
Its Secretary,
Ministry of Finance,
Department of Revenue,
South Block,
New Delhi-110001.

2. The Commissioner of Income Tax,
Meerut Region, Meerut, UP.

.....

Respondents

(through Sh. Ravi Kant Jain, Advocate)

ORDER

The applicant was working with the respondents as Office Superintendent. He applied for voluntary retirement on medical grounds. The same was granted to him w.e.f. 11.11.2014 (afternoon). The applicant then applied to the respondents seeking appointment on compassionate grounds for his dependent son. He submitted that he has lot of liabilities including repayment of housing loan etc.

In addition to that, he himself was physically handicapped. However, the respondents have not favourably considered his request. Hence, he has filed this O.A. before this Tribunal.

2. Learned counsel for the applicant stated that as per the Scheme of Compassionate Appointment (page-306 of Swamy's Handbook, 2016) under the caption "Reservations and Concessions in Appointments", in para-7 the following is stated:-

"1. Applicable to a dependent family member of.-

- (a) A Government servant who dies in service (including death by suicide).
- (b) is retired on medical grounds before attaining the age of 55 years (57 years in the case of Group 'D' officials);
- (c) a member of the Armed Forces who-
 - (i) dies in service; or (ii) killed in action; or (iii) is medically boarded out and unfit for civil employment."

Therefore, the respondents should have considered his request favourably. In addition to the above submission, I notice that other pleadings in the file relate to the circumstances in which voluntary retirement to the applicant was granted. Since that issue is now over, these pleadings, in my opinion, are irrelevant.

3. In their reply, the respondents have not denied that the applicant was working with them and was granted voluntary

retirement on medical grounds. They have, however, submitted that appointment on compassionate grounds as per the Scheme can be granted only to dependents of those government employees, who are retired on medical grounds after attaining the age of 55 years. In the instant case, the applicant was not retired by the respondents but had voluntarily sought retirement. For those, who have sought voluntarily retirement, even if it was on medical grounds, the Scheme of Compassionate Appointment was not applicable. Hence, the applicant's request could not be acceded to.

4. I have heard both sides and have perused the material on record. On seeing the relevant instructions extracted above, I am satisfied that respondents cannot be faulted for denying compassionate appointment to the dependent of the applicant. The applicant had voluntarily sought retirement, which was granted to him unconditionally. He had never been retired on medical grounds by the respondents themselves. As such, his dependent is not eligible for grant of compassionate appointment.

5. In view of the aforesaid, this O.A. is devoid of merit and is dismissed as such. No costs.

(Shekhar Agarwal)
Member (A)

/Vinita/