

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH
CIRCUIT BENCH, RANCHI
OA/051/00865/2018**

Date of Order: 23/10/2018

C O R A M
HON'BLE MR. K.N. SHRIVASTAVA, ADMINISTRATIVE MEMBER
HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER

Deonath Ram, aged about 69 years, son of Late Dayali Manjhi, resident of Qtr. No. 1159, Sector-IV-G, Bokaro Steel City, P.O. & P.S.- Bokaro, Sector-IV, District- Bokaro-827004.

..... Applicant.

- By Advocate: - Mr. Binod Kumar

-Versus-

1. The Steel Authority of India Limited through Chairman, Kasturba Gandhi Marg, Lodhi Road, New Delhi.
2. The Chairman, Steel Authority of India Limited, Kasturba Gandhi Marg, Lodhi Road, New Delhi.
3. Managing Director, Bokaro Steel Plant, Administrative Building, Bokaro Steel City, Bokaro - 827002.
4. Chief Executive officer (CEO), Steel Authority of India Limited, Bokaro Steel Plant, Administrative Building, Bokaro-827002.
5. Executive Director (P&A), Bokaro Steel Plant, Administrative Building, Bokaro Steel City, Bokaro-827002.
6. Executive Director (Works), Bokaro Steel Plant, Steel Melting Shop-I, Bokaro Steel City, BOKaro-827002.
7. General Manager (Works), Bokaro Steel Plant, Steel Melting Shop-I, Bokaro Steel City, Bokaro-827002.
8. Assistant General Manager (Karmik-OD) Steel Authority of India Ltd., Bokaro Steel Plant, Ispat Bhawan, Bokaro Steel City, Bokaro-827001.
9. Director Medical Services, Bokaro Steel Plant, Bokaro General Hospital, Bokaro Steel City, BOKaro-827002.
10. Chairman, Disability Board & Other Members, Bokaro General Hospital, Bokaro Steel City, Bokaro-827002.

11. M/s Reliance General Insurance (Anil Dhirubhai Ambani Group) Regd. Office:- 3rd Floor, Maker Chamber-IV, Nariman Point, Mumbai-400021.
12. Chairman, Disability Board through Director, Medical Services Steel Authority of India, Bokaro-827002.
13. Senior Manager (Pers-OD), Steel Authority of India Ltd., Bokaro Steel Plant, Ispat Bhawan, Bokaro Steel City, P.O. & P.S.- Bokaro, District- Bokaro, Pin-827001.

..... Respondents.

- By Advocate: - Mr. H.K. Mehta, Sr. Standing Counsel

O R D E R
[ORAL]

Per Mr. K.N. Shrivastava, A.M.:- The applicant joined Bokaro Steel Plant of the respondents' organization as Senior Lab. Assistant on 05.02.1975. He secured his promotions to the post of Junior Manager and Assistant manager. On 03.08.2008 while he was holding the post of Assistant Manager he received severe burn injury while on duty. He was admitted to the company's hospital where he received treatment from 03.08. 2008 to 26.05.2009. He had sustained injury upto 51% as per Annexure A/1 medical disability assessment-cum-Compensation Certificate dated 03.08.2008 issued by the Medical Department of BSL. During the course of his hospitalization, the applicant had submitted a representation dated 07.10.2008 (Annexure A/3 series) seeking compassionate appointment for his

elder son Raj Kishore Prasad. His request was not considered. He retired from service on 31.05.2009 on attaining the age of superannuation.

2. Aggrieved by the action of the respondents in not considering grant of compassionate appointment to his elder son the applicant has approached this Tribunal in the instant OA praying for a direction to the respondents to grant compassionate appointment to his son as also to pay him Rs. 10 lakhs as a compensation under Accidental Group Insurance and gratuity amount of Rs. 3,50,000/-.

3. Heard Shri Binod Kumar, learned counsel for the applicant. Issue notice to the respondents. Shri Prabhat Kumar, learned counsel accepts notice on behalf of the respondents.

4. Considering the nature of controversy involved, we did not deem it necessary to seek written statement from the respondents and decided to hear the arguments of learned counsel for the parties.

5. Shri Binod Kumar, learned counsel for the applicant submitted that as per the medical certificate issued by the Medical Department of BSL on the basis of recommendations of a committee of 5 persons, the applicant had received burn injury to the extent of

51% and hence in terms of accident policy of the respondents (Annexure A/6), he was entitled for grant of compassionate appointment to his son. The learned counsel further argued that the applicant was entitled for the Accidental Group Insurance and gratuity which ought to have been paid to him.

6. Shri Prabhat Kumar, learned counsel for the respondents drawing our attention to Annexure A/5 letter of respondents to the applicant, submitted that the applicant was declared medically fit for duty on 27.05.2009 after his hospitalization and he joined the duty on the same date. As such, he was not entitled for grant of compassionate appointment to his son. The learned counsel further submitted that the first representation dated 07.10.2008 of the applicant was duly replied by the respondents well in time as is evident from the letter dated 10.08.2018 of the respondents (Page 37 of the paper book). Shri Kumar further submitted that the applicant had not resigned from service during the course of his hospitalization and in fact he had joined duty on 27.05.2009 on getting declared medically fit and as such he was not entitled for seeking compassionate appointment for his son in terms of the extant schemes/guidelines of the respondents.

7. We have considered the arguments of the learned counsel for the parties.

8. From the records, it is quite evident that the applicant even though he had received 51% burn injury but had subsequently recovered and joined duty. From his letter dated 30.05.2009 (page 26 of the paper book), this position gets further buttressed.

9. It is not in dispute that the applicant had submitted his first representation seeking compassionate appointment for his son on 07.10.2008. He ought to have approached the Tribunal within one and half years from that date if no action had been taken by the respondents on his representation. Instead, he continued to send representations after representations. Finally, after receipt of letter dated 10.08.2008 of the respondents informing him that his request for grant of compassionate appointment to his son cannot be considered, the applicant decided to approach this Tribunal in the instant OA. As noticed hereinabove, the applicant had been comprehensively informed of the stand of the respondents vide Annexure A/5 letter dated 20.08.2013 itself about his request for compassionate appointment. He chose not to approach the Tribunal challenging the said letter.

10. In view of the foregoing, we are of the view that the applicant had recovered from his burn injury and had duly joined the service and as such he had no claim for seeking compassionate appointment for his son in terms of the scheme of the respondents. The prolonged delay at his end in approaching the Tribunal also speaks volume of his seriousness in the matter. We would also like to observe that the date of birth of his son Raj Kishore Prasad , as evident from High School Certificate issued by the Bihar School Examination Board, Patna is 05.05.1968 which would indicate that his son is now 50 years old. Such an aged person in any case cannot be considered for the compassionate appointment.

11. In the conspectus, we dispose of this OA in the following terms:-

- (a) The claim of the applicant for compassionate appointment for his son is rejected.
- (b) The respondents shall examine his claim for Accidental Group Insurance and gratuity in accordance with rules and if he is found eligible, the same shall be released to him within a period of four months.

(c) The applicant's request for grant of his special casual leave for the period of his hospitalization shall be separately examined by the respondents in terms of the rules and a decision in this regard shall be taken within three months.

(d) No order as to costs.

[Jayesh V. Bhairaiva]
Judicial Member
Srk.

[K.N. Shrivastava]
Administrative Member