

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3765 of 2015**

1. Anish Ahmed S/o S.M.G. Nabi, aged about 60 years.
 2. Vakil Khan S/o Shri Anish Ahmed, aged about 28 years.
- Both Resident of Dewarikhurd, District Bilaspur, Chhattisgarh, Pin 495004.

---- Petitioners**Versus**

1. Union of India, through the General Manager, SEC Railway Zonal Office, Building, Bilaspur Chhattisgarh Pin 495004
2. Divisional Railway Manager, SEC Railway Bilaspur, Chhattisgarh Pin 495004
3. Senior Superintendent Engineer, Works SEC Railway Bilaspur Chhattisgarh 495004
4. Chief Medical Superintendent SEC Railway, Bilaspur Chhattisgarh Pin 495004

---- Respondents

For Petitioners	:	Shri Manish Upadhyay, Advocate.
For Respondents	:	Shri Abhishek Sinha, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Order on Board**Per Navin Sinha, Chief Justice****15/10/2015**

1. The present writ petition assails order dated 14.5.2015 passed by the Central Administrative Tribunal, Jabalpur Bench, Circuit Sitting at Bilaspur (hereinafter called 'the Tribunal') in Original Application No. 603 of 2012. The Tribunal declined to give any direction to consider the claim for compassionate appointment of Petitioner No. 2 after the application submitted by his elder brother was found to contain forged and fabricated documents.
2. Learned Counsel for the Petitioners submitted that compassionate appointment was requested in view of medical incapacitation as contained in the policy of the Respondents. If for any reason, earlier another son of Petitioner No. 1 had been found to be disqualified, fairness required the

Respondents to consider the request of the second son, Petitioner No. 2 for compassionate appointment otherwise the whole object of providing compassionate appointment to a medically incapacitated employee is frustrated and the object of providing succor to the family is not fulfilled.

3. We have heard Learned Counsel for the Respondents also.

4. Compassionate appointment on the ground of medical incapacitation of the employee under the policy, in our opinion was a one time exercise. It was not a recurring cause of action. The cause of action came to an end no sooner the Respondents considered the application of another son of Petitioner No. 1 but he was found disqualified because of having produced forged and fabricated documents. There cannot be successive claims for compassionate appointment arising from one cause of action only.

5. We find no reason to interfere. The writ petition is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE