

IN THE HIGH COURT OF JHARKHAND, RANCHI
W.P.(S) No.2268 of 2017

Singheshwar Prasad Singh, s/o late Bhuneshwar Singh,
 resident of Qr.No.198/E, Durga Para, PO & PS-Gomoh,
 District-Dhanbad *Petitioner*

--Versus--

1.Union of India, through General Manager, East Central
 Railway, PO and PS-Hajipur, District-Vaishali(Bihar)
 2.Sr. Divisional Security Commissioner, Railway Protection
 Force, East Central Railway, PO and PS & District-Dhanbad
 3.Sr. Divisional Personnel Officer, East Central Railway, PO
 and PS & District-Dhanbad
 4.Chief Medical Superintendent, East Central Railway, PO
 & PS-Dhanbad, District-Dhanbad *Respondents*

CORAM : HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioner	: Mr. Ashrafuzzaman Khan, Advocate
For the Railways	: Mr. Jalisur Rahman, Advocate

6/ 21.08.2018 Multiple prayers have been made in this writ petition; to treat the period between 26.05.2015 to 31.08.2016 as sick period and make payment for the said period, to revise post-retiral benefits in terms of 7th Pay Commission and to grant compassionate appointment to his son.

2. At the outset, it needs to be recorded that in support of any of these prayers, the petitioner has not produced any rules, guidelines, circulars etc.

3. Mr. Ashrafuzzaman Khan, the learned counsel for the petitioner submits that once the respondents admit that the petitioner was in the sick-list for the period between 26.05.2015 to 31.08.2016 and the aforesaid

period has been adjusted against the leave admissible to him, compassionate appointment to his son cannot be declined.

4. This contention is bereft of substance. The object for compassionate appointment is to support the family in distress. Only in cases where death has happened during the service period or an employee has been permitted to superannuate on the ground of his medical unfitness, compassionate appointment has been given to the dependant of an ex-employee. The scheme, however, varies from employer to employer. While in the Coal Companies there is a scheme for compassionate appointment in cases of medical unfitness, no such scheme is under the State Government. Whether such a scheme is operative under the respondent-Railways or not, the writ petition is completely silent. To a pointed query from the Court, Mr. Ashrafuzzaman Khan, the learned counsel for the petitioner submits that the petitioner is not covered under the scheme for compassionate appointment, however, there is a circular dated 18.01.2000 under which compassionate appointment can be offered to the petitioner's son. I am not inclined to accept this submission raised on behalf of the petitioner.

5. Insofar as benefits under 7th Pay Commission is concerned, the respondents have pleaded that all admissible post-retiral benefits in terms of 7th Pay

Commission have already been paid to the petitioner. The petitioner has been paid DCRG and commutation of pension and his pay has been fixed at Rs.43,600/- with effect from 01.01.2016, on the basis of his last pay which was Rs.16,470/- plus other allowances. On treating the period between 26.05.2015 to 31.08.2016 as sick-period, the respondents have asserted that the petitioner who has superannuated from service on 31.08.2016 was under sick-list during the aforesaid period. Under the rules 50 days' leave was in his credit; he was given 50 days' of LHAP and 77 days' of LAP. Consequently, no leave was in his account and, therefore, the period of 05.10.2015 to 31.08.2016, that is, 308 days was treated as LWOP.

6. Evidently, the petitioner cannot claim salary for the aforesaid period.

7. In the above facts, finding no ground to interfere in the matter the writ petition is dismissed.

(Shree Chandrashekhar, J.)

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