

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4811 of 2018

1. Steel Authority Of India Limited Through Chief Executive Officer, Bhilai Steel Plant, Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. The Deputy General Manager (Personnel), Medical And T.A. (Department), Bhilai Steel Plant, Bhilai, District- Durg, Chhattisgarh.....(Earlier Represented Through Assistant General Manager)

---- Petitioners

Versus

Smt. Sunita Soni Wd/o Late Shri Santosh Kumar Soni Aged About 53 Years House Wife, R/o Quarter No. 7-B, Street 23, Sector-7, Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Petitioners : Shri Ashish Surana, Advocate

Division Bench : Hon'ble Mr. Justice Manindra Mohan Shrivastava
Hon'ble Mrs. Justice Rajani Dubey

Order On Board

27/07/2018

1. This petition under Article 227 of the Constitution is directed against order dated 10th April 2018 passed by the Central Administrative Tribunal (for short "the Tribunal") allowing respondent-employee application and issuing direction for grant of compassionate appointment.
2. Learned counsel for the petitioners sought to assail the correctness of the order on the ground that while passing the impugned order, the Tribunal ignored to take into consideration that the judgment of the Supreme Court passed earlier in the case of **Balbir Kour and Anr. Vs. Steel Authority of India Limited**, (2000) 6 SCC 493, was not applicable because at the time of death of the employee on 19.9.2014, the scheme of compassionate appointment itself had undergone change, wherein dependent of the deceased employee who has opted for Employee Family Benefit Scheme could

not be provided benefit of compassionate appointment.

3. On the factual score revealed from the pleadings of the parties before the Tribunal, we find that, in fact, the respondent had earlier applied for grant of compassionate appointment. Her application was rejected twice and, therefore, she finding herself in lurch, had no option but to succumb to other option. Apparently, therefore, the dependent of the employee had opted for compassionate appointment first.

The Tribunal has held that looking to the nature of disease from which the employee was suffering, he was entitled to be classified as permanently disabled. What was not in dispute is that the employee was suffering from a terminal disease of cancer and for reasons best known to the Medical Board, he was only declared as temporarily disabled. The Tribunal has considered the aspect of entitlement to compassionate appointment by taking into consideration the nature of disease which the deceased-employee was suffering from and that five days after the Medical Board's opinion, person died of cancer and other ailments.

4. Therefore, we are not inclined to interfere with the order of the Tribunal as we find that no miscarriage of justice has been caused and further that it is a matter where widow of the deceased-employee is claiming compassionate appointment under the scheme.
5. Learned counsel for the petitioners states that both the scheme of Compassionate Appointment and Family Benefit may not be availed.
6. In view of the order of the Tribunal, it will be open for the respondent to opt for either of the two schemes.
7. At the end, learned counsel for the petitioners informs the Court that the contempt proceedings have also been initiated against the petitioners.
8. The order as passed by this Court may be brought to the notice of the Tribunal to respond to the case of contempt.
9. With the said observations, the petition is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge