

Central Administrative Tribunal  
Principal Bench

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O.A. No. 1781 of 1997

New Delhi, dated this the 17<sup>th</sup> October, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Smt. Poonam Sabharwal,  
Senior Clerk,  
Claims Office,  
NDCR Building,  
New Delhi.

... Applicant

(By Advocate: Shri V.K. Rao)

Versus

1. Northern Railway through  
the General Manager,  
Baroda House,  
New Delhi.

2. Chief Personnel Officer,  
Head Quarter Office,  
Baroda House,  
New Delhi.

... Respondents

(By Advocate: Shri Rajinder Khattar)

ORDER

MR. S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 23.10.96 (Annexure A) and seeks a direction to treat her as Sr. Clerk w.e.f. the date of her initial appointment. She also seeks a direction to fix her pay at Rs.1320/- in her parent office w.e.f. January, 1994 or alternatively to fix her pay at Rs.1200/- with Special Pay of Rs.120/-.

2. Heard both sides.

3. Admittedly applicant was appointed as Clerk (Rs.260-400/950-1500) on compassionate grounds upon the death of her father, vide letter dated

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12.6.86 (Annexure R/1) which she accepted without hesitation. Respondents have correctly stated that applicant is now estopped from challenging that appointment and claiming that she should have been appointed as Sr. Clerk merely because Shri Jaideva and Smt. Ambika were appointed on compassionate grounds as Sr. Clerk, subsequently in 1988. Respondents have stated in their reply affidavit that Shri Jaideva and Smt. Ambika were found suitable for appointment on compassionate grounds as Sr. Clerk (Rs.1200-2040) by the duly constituted screening committee on the basis of the performance in the suitability test, while applicant had been found suitable for appointment as Clerk (Rs.260-400/950-1500).

4. We also note that applicant has since been promoted as Sr. Clerk w.e.f. 25.6.93 in her turn.

5. The O.A., therefore, warrants no interference. It is dismissed. No costs.

*A. Vedavalli*

(Dr. A. Vedavalli)  
Member (J)

*S.R. Adige*

(S.R. Adige)  
Vice Chairman (A)

'gk'