

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 418 of 2000

New Delhi, in the 20th day of the October, 2000

Hon'ble Mr. M.P. Singh, Member(A)

1. Miss. Soma Rani
D/o late Shri Lal Ram
2129, Gali Rai Bhadur, Katra Khusal Rai,
Chandni Chowk, Gali No.6,
New Delhi.

..... Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
The General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Firozpur Division
Firozpur.

.... Respondents

(By Advocate: Shri. R.L. Dhawan)

ORDER (oral)

The applicant has filed this OA under section 19 of Administrative Tribunal Act, 1985 for directing the respondents to consider her case for appointment on compassionate grounds on any alternative Group 'c' post.

2. Brief facts of the case are that the father of the applicant died while working as a Gang Mate in Gate No.17 under Railway Station Mahellana on 30.12.1998. The deceased left behind the applicant, widow and a minor daughter. The applicant submitted an application for her appointment on compassionate grounds to any Group 'C' post. The respondents



(2)

4 conducted a written test in which the applicant was declared failed. The applicant was again called for the same test. The respondents conducted the written test and she was again declared failed. Thereafter, the respondents have verbally offered the applicant the appointment to the post of Safaiwala. The applicant made a representation on 21.7.1999 and requested to give her one more chance to appear in the suitability test, but the respondents did not accept her request. Aggrieved by this she has filed this OA and sought directions to the respondents to consider her appointment on compassionate grounds to any Group 'C' post or to allow her one more chance to appear in the written test for the appointment to the post of Office Clerk. She has also sought direction to declare that the examination conducted by the respondents was of high standard and is therefore, arbitrary and against the principle of natural justice.

3. The respondents have filed the reply and have stated that the applicant was called to adjudge her suitability for Group 'C' post on 29.3.1999 and 24.5.1999 but she failed to qualify the suitability test (written and viva-voce). The applicant has already availed two chances. She cannot be allowed to appear for the third chance as there is no provision in the rules. The applicant has however, been considered and offered the post of Diesel Khalasi at Ludhiana in the scale 2550-3200. The



(3)

applicant has requested to be posted at Ferozepur.

AS there is no post of Diesel Khalasi at Ferozepur,

^{her} request will be considered on availability of vacancy.

4. Heard learned counsel for the applicant and learned counsel for the respondents and perused the records.

5. During the course of arguments, the learned counsel for the applicant stated that he does not press ~~prays~~ for relief sought in para 8 (ii) and (iii) of OA.. He also drew my attention to the para 2 (ii) and (iii) of the instruction issued by the Railway Board on appointment of Compassionate grounds. Para 2 (ii) and (iii) are as follows:-

2(ii) If the ward possesses the prescribed minimum educational qualification, he should be considered for appointment in Group 'C' post for which he may be suitable and eligible. If however, he is found unsuitable for one Group 'C' post, he should be considered for an alternative Group 'C' post for which he is eligible and suitable.

2(iii) Railways should endeavour to make compassionate appointments as early as possible.

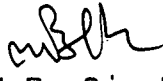
6. It is an admitted fact that the applicant has appeared in the suitability test twice and failed for the appointment in Group 'C' post. Thereafter, the respondents have offered her the post of Diesel Khalasi (Group 'D' post). However, they have not considered



(4)

her for an alternative Group 'C' post as provided under the rules. 12

7. In view of this the respondents are directed to consider the applicant for an alternative Group 'C' post for which she is eligible and suitable in accordance with the rules and instructions. The OA is disposed of accordingly. No costs.


(M.P. Singh)
Member(A)

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