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THE HON'BLE MR B.N.DHUNDIYAL, MEMBER(A)

Shri Amba Dutt Joshi,
Mazdoor,
C/S GE(W/S & A/C)
Delhi Cantt. Applicant.

(by Advocate Mr N.Ranganathaswamy)

VS.

1. Union of India through Secretary,
Ministry of Defence, South Block,
New Delhi-11.
2. The Engineer-in-Chief, Army Head
Quarters, DHQ PO, New Delhi-11.
3. The Chief Engineer, Delhi Zone,
Delhi Cantt-10.
4. The Garrison Engineer,
Water Supply & Air Conditioning,
Delhi Cantt.-10. Respondents.

(by Advocate Mr P. P. Khurana)

ORDER (oral)

Shri Amba Dutt Joshi, the applicant, is aggrieved that though he is a post graduate and has passed the test for filling the post of Lower Division Clerks, he has been offered only the post of Mazdoor on compassionate grounds after expiry of his father. He has been doing the duties of a Clerk.

2. In the Counter filed by the respondents, it is averred that appointment to the post of Mazdoor was done after the applicant had conveyed his willingness to accept the post of Mazdoor.

3. I have heard the learned counsel for the parties. There is no provision in the existing rules for the employee being promoted to higher posts on compassionate grounds after the initial appointment on compassionate grounds is made for the lower post.

The applicant having accepted the appointment against Group-D post, cannot claim promotion to the post of a Lower Division Clerk as a matter of right. The learned counsel for the applicant has drawn my attention to a similar case decided by the Jabalpur Bench of this Tribunal in Smt. Sarla Rani vs. Union of India & others - OA No. 515 of 1990, in which the following directions were given:

"In the circumstances, we direct the respondents to consider the case of the applicant for appointment as L.D.C., keeping in view her educational qualifications and experience within three months from today."

4. I, re-iterate the above directions with the observation that if, and when vacancies occur in the cadre of L.D.Cs earmarked for compassionate appointment, the applicant will be given preference by considering his seniority and experience.

5. There will be no order as to costs.

/sds/

B. N. Dhoundiyal
(B.N.Dhoundiyal) 9/11/93
Member(A).