

RESERVED.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD.

Allahabad This The 2<sup>nd</sup> Day Of May, 2000  
Original Application No. 347 of 2000<sup>98</sup>

CORAM:

Hon'ble Mr. S. Biswas, A.M.

Smt. Dukhna Devi w/o Pyare Lal Pandey r/o Kaili P.O.

Moghalsarai Distt. Varanasi.

.....Applicant

(By Adv: Sri S.K. Dey, Sri S.K. Misra)

Versus

1- Union Of India through the General Manager E.Rly.  
Calcutta.

2- The Divisional Rly. Manager E.Rly. Moghalsarai Distt.  
Varanasi.

.....Respondents

(By Adv: Sri K.P. Singh)

.....2

S. S.



(2)

O R D E R

-----

(By Hon'ble Mr. S. Biswas, A.M.)

The applicant, mother of Krishna Shankar Pandey BA, seeks that the respondents be directed to appoint her son to a Group 'C' post, whereas, he was appointed to a Group 'D' post on Compassionate ground.

2- Heard both the parties in the case. The undisputed facts as per the rival submission in the case are as under.

3- The applicant's husband was superannuated on 31-3-93 due to mental disability following which the applicant submitted her representation for Compassionate appointment of her son who is a B.A. Ultimately by virtue of a direction of CAT in O.A. 1414/92 a group 'D' appointment on compassionate ground, was given <sup>allegedly</sup> disregarding the fact that the applicant's son was a B.A. and hence eligible for a group 'C' appointment. The present application has been made pointing out that no recruitment test was held in his case. He was screened medically and a group 'D' post was offered, which he accepted, as per the order of appointment letter dt. 28-7-97 which was not been sought to be quashed.

4- The applicant's husband is enjoying full pension, as contended by the respondent's counsel. As per the Railway Board's circular obtaining in this behalf it is not necessary that the applicant's son should be considered ~~any~~ for Group 'C' post and not group 'D' post. The job is offered on compassionate ground depending on the

S. R.



(3)

availability of vacancy. The Hon'ble CAT's order in O.A. 1414/92 was complied in letter and spirit. No where it was directed in the said order of Hon'ble CAT that the applicant's son be recruited in a Group 'C' post.

5- Depending on the availability of a suitable post in Group 'D' vacancy the applicant's son was offered a Group 'D' which he has accepted. Hence there is no question now of retracting the fact that he had accepted a suitable group 'D' job for which he was medically found ~~suitable~~ <sup>fit</sup>.

6- For a group 'c' post, as he is eligible by educational qualification, he can sit for promotional examination/test, as and when announced.

7- The applicant's counsel has submitted <sup>the</sup> a case Sri N.K. Upadhaya vs. Director Madhyamik Shiksha U.P. & others (1993) to contend that directions was given to the schools to recruit dependent of the deceased (Mrit & Asrit) in suitable posts depending on the educational qualification. This directives are to schools. The Railway Board's circular dt. 30-4-79 appended by the applicant to the O.A. which is in the nature of a statutory follow up of policy on compassionate appointment- does not contain any such ramification.

8- On the contrary, such jobs are not offered as a matter of right but on compassionate consideration depending on the availability of vacancy. The respondents have both in letter and spirit, ~~have~~ <sup>are</sup> fulfilled the terms and policy outline of this circular as well as CAT's directive, leaving no room to interfere in the order of compassionate appointment accepted by the appointee. Neither it is sought to be quashed.

S. A.



(4)

9- In the result, the application fails on merits and  
hence, dismissed without costs.

*S. O. Davis*  
A.M.

A.A./