

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 23rd day of July 1997.

Original Application no. 1043 of 1992.

Hon'ble Dr. R.K. Saxena, Judicial Member
Hon'ble Mr. D.S. Bawej, Administrative Member.

Smt. Manorama Srivastava, W/o Late Dr. K.K. Srivastava,
r/o 485-B Railway Dairy Colony, Gorakhpur at present posted
as an Assistant Teacher in Railway Balika Inter College,
Gorakhpur.

... Applicant

C/A Shri B.P. Srivastava
Shri R.K. Pandey

Versus

1. Union of India, through the General Manager, N.E. Rly., Gorakhpur,
2. The General Manager, N.E. Rly., Gorakhpur.

... Respondents.

C/R Shri G.P. Agarwal

O R D E R (Oral)

Hon'ble Dr. R.K. Saxena, Member-J.

Smt. Manorama Srivastava, the applicant has approached the Tribunal to seek relief that the General Manager of N.E. Rly., Gorakhpur be directed to appoint the applicant in the pay scale of Rs. 1600-2200 with effect from the date when she was initially appointed on lower scale on 12.01.84.

2. The brief facts of the case are that her husband late Dr. K.K. Srivastava was employed under the respondents and while he was in service, he died on 26.06.88. There was no body to look after the applicant. Dr. K.K. Srivastava who was due for promotion as Medical Superintendent, had died only after putting in 9 years of service. The applicant, therefore, applied to the respondent no. 2 for appointment on compassionate ground. It is stated that she was highly qualified yet she was given appointment on the post of Assistant Mistress in the pay scale of Rs. 1200-2400 on 12.01.89. The claim of the applicant is that she possessed the qualification of double MA (B.Ed) and had also done Ph.D, thus she should have been appointed in the grade of Rs. 1600-3200. She had represented to the General Manager, but with no result. Feeling aggrieved by the said inaction on the part of the respondents, the OA has been filed with the relief as mentioned herein before.

3. The respondents have contested the case and averred that she was not entitled to the grade claimed by her. No RA to the said CA has been filed.

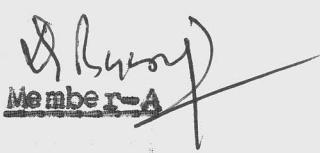
4. We have heard Sri R.K. Pandey learned counsel for the applicant and Shri G.P. Agarwal learned counsel for the respondents.

5. The main question for determination ^{in 2} of this case is whether the persons who got appointment on compassionate ground, could claim for better appointment or grade on the same ground as of compassionate appointment. Their Lordships of Supreme Court while deciding the case, State of M.P. & Ors Vs. Ramesh Kumar Sharma, AIR 1994 SC 845, came across the

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same situation. It was observed by their Lordships that the applicant had no right to any particular post of his choice. What could be done by him was only to claim to be considered for the post. Similar view was taken in another case, State of Rajasthan Vs. Shri Umrao Singh, 1994 (5) SLR 638, where initial appointment on compassionate ground ~~was~~ given was that of a clerk but the ~~applicant~~ ^{applicant} after having accepted the post of clerk, wanted to be appointed as subinspector. Their Lordships held that once the right to be considered for appointment on compassionate ground was consummated, no further consideration on compassionate ground would ever arise, otherwise it would be the case of endless compensation.

6. In view of these facts and legal situation, we find no force in the O.A. It stands dismissed. No order as to costs.


Member-A


Member-J

/pc/