

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH
ALLAHABAD

DATED: THIS THE 29TH DAY OF MAY, 1997

Coram : Single Member bench of Hon'ble.

Mr. Justice B. C. Saksena VC

ORIGINAL APPLICATION NO.1364 of 1994

1. Smt. Shyama Devi w/o Late Achutanand Misra
resident of 348, Baxibazar,
Gorakhpur.

2. Sri Sanjay Mishra s/o Lat Achutanand
Mishra, r/o 348, Baxibazar,
Gorakhpur.

- - - - - Applicants

C/A Shri Sanjay Kumar

Versus

Union of India through General Manager,
North Eastern Railway,
Gorakhpur.

2. Divisional Railway Manager,
North Eastern Railway,
Varanasi.

- - - - - Respondents

C/R Sri A. V. Srivastava

ORDER

By Hon'ble Mr Justice B.C.Saksena VC

I have heard the learned counsel for the applicant. The short ground raised in the O.A. is that the applicant's father died in harness on 9.9.1980. Applicant no.1, in view of the circumstances that no earning member remained in his family, made an application requesting for compassionate appointment of her son, the applicant no.2. The applicant no.2 has passed his B.A. examination and thus was qualified

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Be2

for appointment on a class III post. However, it appears that he was given appointment of class IV post. Through

2. Through this O. A., applicant seeks a direction to the respondents to appoint the applicant no.2 on a class III post or to give any other suitable post. for which the applicant no.2 is found eligible.

3. It has been indicated in the C.A. that the applicant no.2 was called to appear in the selection ^{for cl. III post. Bel} and he appeared, but failed to qualify the same. He was, therefore, offered class IV post, which he accepted. Once the appointment had been accepted, the process of giving compassionate appointment comes to an end. ^{(See 1995 Sec (4+5) 10 State of Rajasthan vs Umrao Singh) Bel} The applicant can not seek change over ^{Bel} from class IV to Class III.

4. O.A., therefore lacks merit and is dismissed accordingly. There will be no order as to costs.

Ch. Lakshmi

Vice-Chairman

SOI