

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 366/94

Tuesday, this the 26th day of July, 1994.

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K. Sobhana, Peon
Defence Security Corps Records,
Kannur.

... Applicant.

Advocate for applicant not present.

Vs.

1 The Chief Record Officer,
Defence Security Corps Records,
Kannur.

2 The Director General,
Defence Security Corps,
Army Headquarters, New Delhi.

3 The Union of India rep. by the
Secretary, Ministry of Defence,
New Delhi.

... Respondents

By Advocate Mr George Joseph, Addl.CGSC

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a direction to appoint her in a Group "C" post. She was granted an appointment in Group "D" post on compassionate grounds, and she has been holding that post since May, 1987.

2 Respondents have filed a reply statement to the effect (paragraph 10) that applicant was granted a compassionate appointment after relaxing the normal procedure. It is also said that she accepted it unconditionally and that it is not possible to consider her for a higher post.

3 While the claim for granting compassionate appointments is a salutary one, it cannot be used to create something like a monopoly outside the regular Rules. A person cannot claim appointment to a particular post.

(See AIR 1994 SC 845 - State of Madhya Pradesh and others Vs. Ramesh Kumar Sharma). There are several people waiting in the open market for appointment and many of them may be economically and socially worse off than some of the persons getting compassionate appointments.

4 Having regard to the totality of facts, we do not think that this is a fit case to exercise the discretionary jurisdiction vested in this Tribunal to help the applicant in advancing her career prospects, when the department has done what could be legitimately done.

5 Application is dismissed. No costs.

Dated the 26th July, 1994.


PV VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)

VICE CHAIRMAN