

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

Lucknow this the 5th day of May, 99.

O.A. No. 547 of 1992.

HON. MR. D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

Avdhesh Pratap Singh, aged about 36 years, son of Samar Bahadur Singh, r/o village Sahodarpur, P.O. Makandrooganj, District Pratapgarh.

Applicant.

None for applicant.

versus

1. Union of India through the Secretary, Ministry of Railways, New Delhi.

2. D.R.M. Northern Railway, Lucknow.

3. Assistant Personnel Officer, Lucknow, Divisional office, Northern Railway, Lucknow.

Respondents.

By Advocate Shri S. Verma.

O R D E R (ORAL)

HON. MR.D.C. VERMA, MEMBER(J)

Late Samar Bahadur Singh was an employee of the Railways. He, while in service, died on 23.4.81. The applicant is the eldest son of the deceased employee. The applicant applied for appointment on compassionate grounds, as he was High School pass and claimed appointment on a class III post. The applicant's case was considered for appointment on compassionate grounds on a group C post by a duly constituted selection committee which interviewed the applicant. The Selection Committee, on the basis of applicant's performance found the applicant ^{not suitable} ~~entitled~~ for group C Post. The applicant was however, found suitable for group 'D' post. The applicant was therefore, asked

to give his consent for appointment on a group D post. The applicant gave his consent for appointment on a group 'D' post to work in Electrical department. Accordingly, the appointment order was issued. As the applicant was not given appointment on group C post, under the compelling circumstances, he joined the post of Khalasi i.e. Group D post but moved an application on 14.1.82 to the D.R.M., Northern Railway Lucknow for appointment on class III post. By this O.A. the applicant has claimed, ^{the} issue of appropriate orders to appoint him on a suitable group C post.

2. As none has appeared for applicant, we, with the help of learned counsel for the respondents perused the pleadings ^{on} record and have examined the same in detail. We find that the applicant was interviewed by a selection committee for Group C post but was found unsuitable. As the applicant was to be considerd for appointment on compassionate grounds, he was offered group D post. As the applicant agreed to join group D post appointment letter was given and consequently, the applicant joined. After the applicant joined in theyear 1982, his claim for appointment to a better post on compassionate ground would not arise within the scheme meant for giving appointment on compassionate grounds. Appointment on compassionate grounds are given in special circumstances, ~~through~~ Such appointments are not in accordance with prescribed rules of appointment. The compassionate appointment is given only due to sudden death of an employee, whose dependants sometimes fail ^{to} ~~to~~ ^{make} both ^{the} ends ^{meet} due to indigent condition. ^{and} The dependants of the deceased may not suffer due to financial

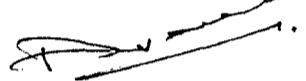
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constraints so a dependant is considered for appointment.

3. To meet such a situation, a scheme for appointment on compassionate grounds has been evolved ~~and~~ as a welfare measure and such appointment cannot be claimed as a matter of right. Once the applicant joined the group D post, his financial condition improved and he cannot be deemed to be in indigent condition and therefore, his claim for a better post cannot be considered under the said scheme.

4. In view of the discussions made above, we find that there is no merit in the O A. The same is dismissed. Costs easy.


MEMBER (A)


MEMBER (J)

Lucknow; Dated 5.5.99

Shakeel/