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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

O.A. NO. 355/90

Smt. Radhabai T. Pawar

... Applicant

vs.

Union of India & Ors.

... Respondents

CORAM : Hon'ble Vice Chairman Shri G. Sreedharan Nair
Hon'ble Member (A) Shri P.S. Chaudhuri

Appearances:

Shri K.B. Bhat, Advocate,
for the applicant.

None present for the
respondents.

ORAL JUDGEMENT

Dated : 3 July 1990

(Per. Shri G. Sreedharan Nair, V.C.)

1. Heard the counsel of the applicant Shri K.B. Bhat. The relief that is claimed by the applicant is for directing the respondents to appoint her to the post of Ayah with effect from 21.1.1980 or at least with effect from 31.8.88 when the post fell vacant.
2. The applicant applied to the respondents and requested to provide employment on compassionate grounds on account of death of her husband who was an employee under the respondents. The applicant is seen to have stated sent her claim for the post of Ayah but since there was no vacancy in that post she was appointed as a Sweeper in January 1981.
3. The grievance put forward is that previously two Sweepers were promoted to the post of Ayah and the same treatment was not meted out to the applicant though when

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she was appointed as Sweeper, she was assured that whenever vacancy arises she will be absorbed as such. It is also pointed out that one Smt. Vaishali Ramesh Khedlekar has been appointed as Ayah with effect from 19.3.90.

4. ^{the} On going through the avermentⁱⁿ of the application and documents produced, we are not satisfied that the applicant ^{deserved} to be ~~promoted~~ ^{admitted}.

5. The husband of the applicant died in the year 1978, ^{when} it may be that the applicant requested appointment on compassionate grounds, ^{she} was eligible for the post of Ayah, but she was informed that as there is no vacancy in the post she cannot be appointed as Ayah. However, it is seen that in the year 1981 the applicant was satisfied in securing appointment as Sweeper and is continuing in service pursuant to this appointment. As such, the appointment on compassionate grounds that can be claimed by the applicant ~~has~~ already been granted. It may be pointed out that it is not open to a person claiming appointment on compassionate ground that he or she shall be appointed to a particular post. When once the compassionate appointment was made to a particular post, the compassionate appointee can claim appointment to a higher post only by the normal process of promotion to that post.

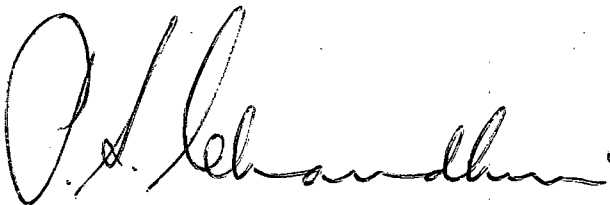
6. Counsel of the applicant pointed out that two persons who have been appointed as Sweeper had earlier been promoted as Ayah ~~And~~ as such when the vacancy arose in 1988 the applicant should have been considered for such promotion. What emerges from the record^{is} that

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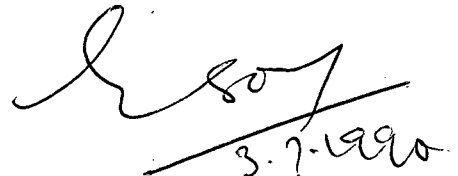
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the vacancy that arose has been filled up by appointment of Smt. Vaishali Ramesh Khedlekar on compassionate ground. Hence the respondents cannot be faulted in rejecting the claim of the applicant to the post of Ayah.

7. We reject the application. However, it is made clear that this order shall not preclude in considering the applicant ~~for~~ the post ^{or} Ayah, in accordance with the rules, as and when a regular vacancy arises to that post, in case the applicant is eligible for such appointment.



(P.S. Chaudhuri)
M (A)



(G.Sreedharan Nair)
V.C.