

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 885/94.

Dt. of Decision : 27-7-94.

Smt. A.V.L. Subhadra

.. Applicant.

vs

1. The Director,
Indian Institute of Chemical
Technology, Tarnaka, Hyderabad.
2. The Controller of Administration
Indian Institute of Chemical
Technology, Tarnaka, Hyderabad.
3. The Sr. Finance Officer
Pension Wing, Indian Institute
of Chemical Technology, Tarnaka,
Hyderabad. .. Respondents.

Counsel for the Applicant : Mr. M. Janardhana Rao for

Counsel for the Respondents : Mr. C.B. Desai, SC for CSIR.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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DA 885/94.

Dt. of Order: 27-7-94.

(Order passed by Hon'ble Shri A.V.Haridasan,
Member (J)).

* * *

The applicant was appointed to a post of Technician Gr.II in the scale of Rs.950-1400 in the Indian Institute of Technology, Tarnaka, Hyderabad on compassionate grounds on the death of her husband, who while working as Asst. Director in the same Institute died on 28-5-93, as a result of injury sustained by him in an accident which occurred inside the factory premises. The applicant has accepted the appointment and her present grievance is that though she is a postgraduate in Commerce, she has been given appointment in Group 'D' as a Technician Gr.II, which is not commensurate with her educational qualifications and as such against the guidelines in regard to appointment on compassionate grounds. Therefore, the applicant has filed this application for a direction to the Respondents to consider her case for a higher employment taking into consideration her higher educational qualifications in the light of the instructions contained

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grd/pe

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in the O.M.No.14014/6/86-Estt.(O) dt.30-6-87, of the

Govt. of India, Department of Personal & Training,

wherein instruction 9.(b) reads as under :-

9.(b) It is not the intention to
restrict employment of son/daughter/
near relative of deceased Group 'D'
employee to a Group 'D' post only.

2. Heard Shri Janardhan Rao, on behalf of counsel for
the applicant and Shri Chenna Basappa Desai, learned
standing counsel for the Respondents, ~~and~~ ^{the} facts that
the applicant is a ~~widow~~ ^{an} of/Asst.Director who died in
harness, that she is a postgraduate and that she was
appointed on the death of her husband on compassionate
grounds to a clerical post in the scale of Rs.950-1400
are not in dispute. The grievance of the applicant is that
while ^{is} making appointment on compassionate grounds, the
competent authority is bound to take into account the
educational qualifications of the appointee ~~and~~ ^{as} this
has not been done in her case, as she being post graduate
appointed
in commerce, has been ^{to} to a Group-D post. Learned counsel
for the applicant argues that this is against the guide-
lines contained in the Govt. of India instructions in

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O.M. Dt. 30-6-87.

3. Learned counsel for the Respondents on the other hand submits that the post in which the applicant is appointed is not a Group-D post and that it is a Group-C post as the pay scale attached to the post is Rs.950-1400. He further submits that the appointment of the applicant was made on the compassionate grounds taking into consideration of the relevant factors and that she has been given appointment to a post which could be made available. He further submits that the applicant does not have a vested right to claim better employment and once she has accepted the appointment, she has no right to claim a better employment. Learned counsel for the applicant invited my attention to the clause 9 of the O.O. No. 14014/6/86-Estt.(D), dt.30-6-87, wherein it has been inter alia stated that there is no embargo in posting a son/daughter or a near relative of a deceased to a Group-D employee post for which he is educationally qualified, provided a vacancy in Group C exists. Seeking support from this provision, the learned counsel for the applicant submits that the idea is to provide employment which is commensurate with educational and other qualifications of the person to be appointed. The provision relied upon by the

UML
RSC

Copy to:

1. The Director,
Indian Institute of Chemical Technology,
Tarnaka, Hyderabad.
2. The Controller of Administration,
Indian Institute of Chemical Technology,
Tarnaka, Hyderabad.
3. The Senior Finance Officer, Pension Wing,
Indian Institute of Chemical Technology,
Tarnaka, Hyderabad.
Copy to Mr. M. Krishna Mohan Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. C. B. Desai, SC for CSIR.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

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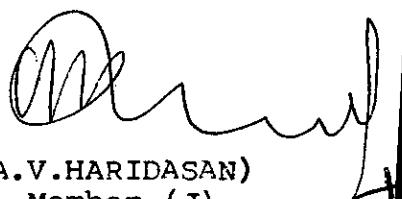
Am stay.

counsel for the applicant does not have any application to the facts of the case because the applicant's husband was a Group-A ~~member~~. Even without the aid of this office memorandum, the competent authority would have been at liberty to offer the applicant to any post depending upon the availability of vacancy and suitability of the candidate. However, the applicant seems to have lost sight of the next paragraph in the same office memorandum, wherein it is stated that a person who has accepted on compassionate grounds has no claim to ask for better appointment/and should strive in his career like his colleagues.

There is no right ~~as~~ as such to the applicant, to claim a better employment because the scheme of compassionate appointment does not confer any legal right on the members of the family of the employee died in harness but is only in the nature of a concession.

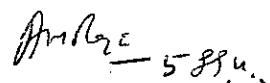
4. In the light of what is stated above, I find no legitimate grievance for the applicant to be redressed.

tion is rejected under section 19(3) of the A.T.Act, 1985, leaving the parties to bear their own costs.


(A.V.HARIDASAN)
Member (J)

Dt. 27th July, 1994.
Dictated in Open Court.

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DEPUTY REGISTRAR(J)

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Rm

contd...

OA-885/94

Typed by
Checked by

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIOSAN: MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

Dated: 27/7/94

ORDER/JUDGMENT.

M.R.P./C.P.NO.

D.A.NO.

885/94

T.A.NO.

(W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions.

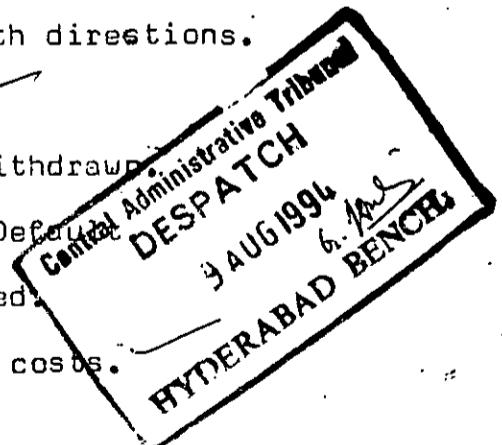
Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



for 58/94
E.C.