

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2768/2002

This the 19th day of August, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Smt. Bindra Devi,
W/o Late Shri Hari Singh
R/o Jhuggi No.C.524,
Thokar No.16, Cremation Ground,
Gita Colony, Delhi-110031.

...Applicant

(None)

Versus

1. Union of India,
through the Chief Engineer,
Irrigation & Flood Control Deptt.,
4th Floor, I.S.B.I. Building,
Kashmere Gate,
Delhi-110006.

2. Government of National
Capital Territory of Delhi,
through Lt. Governor,
Raj Niwas, Delhi-110054.

3. Civil Division No.111,
Irrigation & Flood Control Deptt.,
Govt. of NCT of Delhi,
through the Executive Engineer,
L.M. Bundh, Shastri Nagar,
Delhi-110031.

...Respondents.

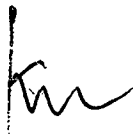
(By Advocate: Sh. Vimal Rathi proxy for
Mrs. P.K.Gupta)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

None appeared on behalf of the applicant despite repeated calls, so I proceeded to hear this case under Rule 15 of CAT (Procedure) Rules.

2. Applicant has filed this OA seeking appointment on compassionate grounds. The facts in brief are that one Sh. Hari Singh, an employee with the respondents was appointed as Muster Roll employee w.e.f. 1.5.87 and he remained on Muster Roll upto 31.10.88. He was not allowed to resume the duty after 31.10.88. Sh. Hari Singh preferred an Industrial



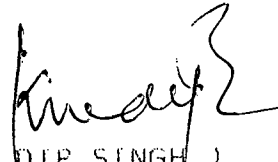
Dispute before the Industrial Tribunal which was registered as I.D.No.152/89. An Award dated 19.1.95 was passed in favour of Sh. Hari Singh. As per the Award it was held that late Sh. Hari Singh was to reinstate in service and continued in service. The said Award was challenged before the Hon ble High Court whereby the operation of Award is stayed. During the pendency of the same writ petition, the said Sh. Hari Singh expired. However, it is stated that certain amount which has fallen due to applicant that has been paid to the applicant's family. On the basis of this Award Sh. Hari Singh continued to work as Muster Roll employee and on 14.2.98 he died in harness. So applicant is entitled to get this job in his place.

3. Request of the applicant was rejected on the ground that since late Sh. Hari Singh was not holding any civil post and even as per the scheme of compassionate appointment the applicant is not covered under the said scheme, so she is not entitled for offer of job on compassionate grounds. This order of the respondents is being challenged in the present OA.

4. In the grounds to challenge the same though applicant submits the deceased was a Govt. employee yet the applicant in para 4 submitted that late Sh. Hari Singh was employed as Muster Roll employee and continued as such till date of his death. Though there is a reference about regularisation in the Award passed by the Industrial Tribunal but the Tribunal did not decide anything about the regularisation. Applicant

has not placed on record any document to show if at all that deceased has been regularised as employee under the respondents.

5. Since there is no order of regularisation, we hold that the deceased continued to be a Muster Roll/casual employee. Since the scheme of compassionate appointment does not extend any benefit to legal heirs of the casual employees. Hence, I am of the considered view that applicant is not entitled for grant of compassionate appointment. Respondents have rightly rejected the case of the applicant. Accordingly, OA is dismissed.


(KULDIP SINGH)
Member (J)

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