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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.813/2001

Friday, this the 30th day of March, 2001

Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Canteen Mazdoor Sabha (Regd.)
through its working President
Sh. K.P.Khugsal,
548, Lodhi Road,
New Delhi.

2. Smt. Sitara Paul,
W/O Late Sh. Paigam Paul,
R/O F-2130, Netaji Nagar,
New Delhi.

..Applicants

(By Advocate: Shri J.S.Rawat)

VERSUS

1. Union of India through Secretary,
Ministry of Home Affairs,
Government of India, North Block,
New Delhi.

...Respondents.

O R D E R (ORAL)

Heard the learned counsel for the applicants.

2. The applicant No.2's husband who worked as Wash Boy in the respondents' set up, has unfortunately expired on 19.12.1998 leaving behind the applicant No.2, who is his widow and three children. On the ground of compassion, the applicant No.2 has been appointed as a daily w^xager ^{and x} subsequently granted temporary status also. She continues to work as a temporary status employee allegedly working as a Wash Boy. Earlier the applicant No.2 had approached this Tribunal seeking compassionate appointment by filing OA-732/2000 which resulted in an order dated 24.11.2000 directing the respondents to dispose of the applicant No.2's representation dated 26.2.1999. The respondents have done the same and have

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issued ^{2 a 2} ~~the~~ detailed order dated 17/22.1.2001 placed at Annexure A. A perusal of the same reveals that at present there are 14 daily wagers employed in the Ministry on compassionate ground and they have been working from 1994 onward. The applicant No.2 happens to be the last daily wager on the aforesaid list appointed on 13.1.1999. The respondents have clearly stated therein that it would not be possible for them to offer regular employment to all the aforesaid daily wagers against group 'D' posts[✓] for want of adequate number of vacancies in the Ministry of Home Affairs.

3. After hearing the learned counsel and perusing the documents placed on record, I find that the respondents have complied with the earlier directions given in the aforesaid OA in a satisfactory manner. The applicant No.2 stands appointed even though as a daily wager, with temporary status already conferred on her. In ordinary course, conferment of temporary status ensures that the incumbents are not driven out^{2 of their jobs 2} at will without proper justification. More so, in the present case, since the applicant No.2 happens to be one of the 14 people employed by the Ministry, all on compassionate ground, I have reason to feel confident that the services of the applicant No.2 will not be terminated. Nevertheless to make sure that the respondents do not have recourse to arbitrary action in any manner in respect of the applicant No.2, I am inclined to direct the respondents to continue the applicant No.2 in service along with her temporary status until a regular vacancy is found to enable the respondents to regularise her

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services against the same. I direct the respondents
accordingly. It is ~~also directed~~ ^{also directed} that the applicant No.2
✓ should be allowed to continue in the Government Quarter
already occupied by her.

4. Present OA is disposed of in the aforestated
terms at the admission stage itself. No costs.



(S.A.T. Rizvi)
Member (A)

/sunil/