

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA NO.:1381/1999

New Delhi this the 11th day of April, 2001.

Hon'ble Shri M.P. Singh, Member(A)

Smt. Kamlesh wd/o late Shri Swarup Singh
R/o Q.No.E-83, Railway Colony,
Sharanpur(UP) ...Applicant
(By advocate: Shri Yogesh Sharma)

Versus

1. NCTD through
Chief Secretary,
Old Sectt. 5, Sham Nath Marg,
Delhi-54.
2. The Engineer-in-Chief,
P.W.D. CNCTD, f Estates,
1- K.G. Marg, New Delhi.
3. The Assistant Engineer,
P.W.D.-Dn.3, (Delhi Administration)
M.S.O. Building, I.P. Estate,
New Delhi. ...Respondents
(By Advocate: Shri Ajesh Luthra)

O R D E R(Oral)

By Shri M.P. Singh, Member(A)

The applicant has filed this OA under section 19 of Administrative Tribunal Act, 1985 seeking relief praying for directions to respondents to consider her for compassionate appointment, as a casual labour on any post. Learned counsel for the applicant stated at the bar that he does not press for other reliefs sought for in the OA.

2. The facts of the case are that the applicant is a widow whose husband was working as Beldar in the office of Respondent No.3. He died in harness on 9.9.91 leaving behind the widow and one daughter. The husband of the applicant was engaged as casual labour, Beldar in the year 1984 and had served the department till his death i.e. upto 9.9.91 without any break. During the period when the applicant was in service, he applied for



his regularisation along with other persons and after the death of the deceased employee all the casual labour have been regularised with retrospective date and therefore the deceased employee is entitled for regularisation and grant of retirement benefits to the applicant. Earlier representation of the applicant for compassionate appointment was rejected by the respondents. She, therefore, filed an OA 1646/1996 in the Tribunal which was subsequently withdrawn by the applicant. Thereafter, the applicant made a representation to the respondents on 1st June, 1998 and the same is still pending with the respondents. No decision has been taken so far. Aggrieved by this, he has filed this OA.

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3. The respondents, in their reply, have stated that husband of the applicant did not complete 240 days in the consecutive years. As per the instructions issued by DG(W) vide their letter 17th February, 1992(Annexure R-2) the counting of 240 days in each of the two consecutive years would be done according to calendar year. According to the respondents, husband of the applicant did not fulfil the minimum condition of working 240 days more for two years to make him eligible for consideration of temporary appointment. The case of the applicant was sent to the Chief Engineer vide letter 28th October, 1992 but the same was rejected by the Chief Engineer and the applicant was accordingly informed. As per the DG Office Memo December, 1993, the Muster Roll workers are not covered under any civil post and as such the dependents cannot be appointment on compassionate ground. In view of the aforesaid facts the OA is devoid of merit and be dismissed.



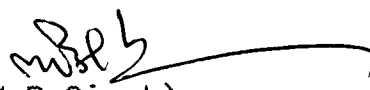
4. Heard both the learned counsel for rival contesting parties and perused the record.

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5. During the course of the arguments, the learned counsel for the applicant stated that the respondents have made appointment on compassionate ground of the persons who are also placed in the similar circumstance. He drew my attention to the Tribunal's order dated 18th December, 2000 where the Government of NCT of Delhi has considered appointment of a family member of one deceased as casual labour in the Irrigation and Flood Department on compassionate ground. He also drew my attention to the order on 17th December, 1992 issued by Government of NCT making appointment of family members of deceased casual labours in the concerned Divisions of the Government of NCT of Delhi.

6. After hearing both counsels and perusing the records, I find that it is a fit case to issue direction to the respondents to consider the case of the applicant for appointment as casual labour as has been done in other cases in the Irrigation and Flood Department. Accordingly respondents are directed to consider the engagement of the applicant on muster roll/casual basis in any office of the PWD wherever work is available.

7. OA is disposed of with the above direction.
No costs.


(M.P. Singh)
Member (A)

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