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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1934 of 1999

New Delhi, this the 6th day of February, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Smt.Nirdosh Kumar wd/of late Shri Sunil Kumar  
R/o H.No.348, Uchandi Road,  
Bawana, Delhi-39

-APPLICANT

(By Advocate: Shri Yogesh Sharma)

Versus

1. N.C.T. of Delhi through the Chief Secretary  
Old Secretariat  
Delhi
2. The Commissioner  
Dept. of I&F, NCT of Delhi,  
Basai Dharapur, Opp. ESI Hospital,  
Delhi
3. The Chief Engineer (I&F)  
Govt. of Delhi, 4th Floor,  
I.S.B.T. Delhi

-RESPONDENTS

(By Advocate: Mrs. Sumedha Sharma)

O R D E R(ORAL)

By Hon'ble Mr.Kuldip Singh, Member(Judl)

The applicant has filed this OA seeking posthumous regularisation of her late husband and for grant of all the benefits to her including family pension.

2. The case of the applicant is that her husband late Shri Sunil Kumar who was working as casual Beldar in the office of respondent no.3, had died in harness on 7.6.93. Since the date of his engagement as casual Beldar on 1.4.85, applicant's husband had been continuously working under the respondents without any break till his death on 7.6.93. After the death of her husband, the applicant made a representation to the competent authority for grant of pensionary benefits and



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appointment on compassionate grounds. Applicant was appointed on compassionate grounds but the pensionary benefits were not given to her.

3. Learned counsel for the applicant pleaded that department had prepared a Scheme for regularisation of the services of daily wagers in the year 1989 in compliance with the Hon'ble Supreme Court order in C.W.P. No.253/98 (Prakash Chand & ors. vs. Delhi Administration & ors.). In pursuance of the said order of the Hon'ble Supreme Court, a list was prepared wherein the name of applicant's late husband Shri Sunil Kumar appeared at serial no.608. The respondents had regularised the services of the daily wagers upto sr.no.828 w.e.f. 1989. It is submitted that all the similarly situated persons including juniors to the applicant's late husband, have been regularised with retrospective effect from the year 1989 and have been granted retirement benefits as per directions of the Tribunal in OA-1056/95 (Narain Singh & ors. vs. Union of India). On the basis of this judgement, applicant claims that her husband i.e. the deceased employee was also entitled for posthumous regularisation for the purpose of pensionary benefits to her. In this regard, on 14.11.2000, respondents were directed to file an affidavit to ascertain whether in case of one of the applicants in OA-1056/95 who was stated to have expired but had subsequently been regularised with retrospective effect, any member of his family had been given compassionate appointment and also the family pension or not. In compliance of the Tribunal's order, respondents

*[Signature]*

have filed an affidavit duly sworn by an Executive Engineer, wherein it is submitted that one Shri Baroo s/o Shri Lothi Ram who had expired on 9.8.95, had got the regularisation as work charge Beldar w.e.f. 1.6.89 and the amount pertaining to death gratuity and leave encashment had become due to the legal heirs of the deceased. On the basis of this additional affidavit filed by respondents, learned counsel for the applicant submitted that since the applicant in the present case is also similarly situated as was the case of Shri Baroo, therefore, applicant's late husband is also entitled for posthumous regularisation.


4. I have heard Shri Yogesh Sharma for the applicant and Shri B.S.Jain for the respondents.

5. After going through the additional affidavit filed by respondents, I am convinced that the case of the applicant is similar to that of Shri Baroo and, therefore, the applicant's late husband is also entitled for posthumous regularisation and consequently the applicant herein, is entitled for the benefits of the order of Hon'ble Supreme Court in the case of Prakash Chand vs. Delhi Administration (supra) in compliance of which the respondents had prepared a Scheme for regularisation of the services of casual Beldars.

6. Under the circumstances, I allow the OA and direct the respondents to regularise the services of late Shri Sunil Kumar w.e.f. 1989 as was done in the case of late Shri Baroo and pay all the benefits such as death gratuity and family pension etc. to the applicant in

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accordance with rules and instructions on the subject,  
within a period of three months from the date of receipt  
of a copy of this order. No costs.

  
( KULDIP SINGH )  
MEMBER(JUDL)

/dinesh/