

Central Administrative Tribunal  
Principal Bench

OA 2271/99

New Delhi this the 20th day of July, 2000

(6)

**Hon'ble Smt. Lakshmi Swaminathan, Member(J).**

Smt. Chandrawati Devi,  
widow of late Shri Harish Chandra,  
C/o Shri Charan Dass,  
Uttam Nagar, Jai Jai Colony,  
Block No. 1, Hastal Road,  
Delhi.

Applicant.

(By Advocate Shri D.P. Sharma)

Versus

1. Union of India, through  
Secretary,  
Ministry of Communication,  
Dept. of Posts,  
New Delhi.
2. The Chief Post Master General,  
UP Circle, Lucknow.
3. The Sr. Supdt. of Post Offices,  
Mathura Dn. Mathura. .... Respondents.

(By Advocate Shri Vijay Mehta, proxy for Shri N.S. Mehta,  
Sr. Counsel)

O R D E R (ORAL)

**Hon'ble Smt. Lakshmi Swaminathan, Member(J).**

The applicant, who is a widow of late Harish Chandra, was working at the time of his death with the respondents as Chowkidar with Temporary Status, has filed this application, praying that the deceased employee may be treated as a regular Group 'D' employee and she be given a compassionate appointment in Group 'D' post. It is also prayed that family pension and other pensionary benefits like DCRG, leave encashment, CGEGIS, and other retiral benefits due to regular Govt. servants should also be made available to her.

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2. I have heard both the learned counsel for the parties and perused the records.

3. Shri D.P. Sharma, learned counsel has relied on a number of judgements of the Tribunal dealing with the cases of Railway servants with Temporary Status who, in terms of the rules applicable to the Railways, have been given some of the benefits mentioned above. However, learned counsel has frankly submitted that no such rule is applicable to the respondents/Department, namely the Ministry of Communications, Department of Posts in which the applicant's husband was previously working as Chowkidar with Temporary Status.

4. Shri Vijay Mehta, learned proxy counsel for the respondents has submitted that the Department's O.M. dated 6.11.1998 (Annexure R-3) is applicable to the facts of the present case. In this circular, it has been stated, inter alia, that casual employees with Temporary Status are not entitled to the benefits as are admissible to regular employees holding civil posts. In the present case, it is not the contention of the applicant that her husband was holding any civil post at the time of his death.

5. Shri D.P. Sharma, learned counsel, has relied on Para 8 of the Department's O.M. dated 12.4.1991 (Annexure-I) which entitles certain benefits to be given to persons with <sup>Temporary</sup> Status, for example, he could contribute <sup>to</sup> the GPF and be also eligible for grant of festival/flood advances, as available to a temporary Grade 'D' employee. That circular, however, will not assist



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the applicant in the present case, as the terms of that circular for granting the benefits to persons/ casual employees with Temporary status, spells out the benefits they will enjoy in that category. The claims of the applicant in the present case are only available to regular Govt. employees and not to casual labourers with Temporary Status, for whom under the O.M. dated 12.4.1991 they would get the facility of festival Advance, advance in regard to floods and also be able to contribute towards the GPF.

6. In the reply filed by the respondents, they have, however, submitted that they are processing the case of the applicant for sanction of CGEGIS and are also considering the settlement of retiral dues of the applicant. Learned counsel for the applicant has prayed that as the applicant's husband has died on 8.1.1998, a direction may be given to the respondents to take a final decision in the pending matters within the shortest possible time.

7. In the absence of any rule allowing grant of benefits to the dependents of casual labourers with Temporary Status as prayed for by the applicant, the claims of the applicant for retiral benefits other than the CGEGIS which the respondents are themselves stating that they are looking into, do not appear to be tenable. Similarly, the claim of the applicant for compassionate appointment to a Group 'D' post, when admittedly her husband was not holding a civil post, does not also appear to be tenable. However, this will not preclude the respondents from looking into

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the case of the applicant for any suitable appointment in accordance with the rules and instructions, in case the applicant applies for the same.

8. The respondents shall take a final decision in the matter regarding CGEGIS which they have stated is pending with them within a period of one month from the date of receipt of a copy of this order, with intimation to the applicant, along with any dues, in accordance with law.

9. O.A. disposed of, as above. No order as to costs.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

'SRD'