

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 358/98

New Delhi this the 20th day of January, 1999

Hon'ble Shri K. Muthukumar, Member (A)

Smt. Usha Devi,
W/o Chandresh Kumar
3363, Hansapuri,
Gali No. 243
Tri Nagar,
Delhi-35.

....Applicant

(By Advocate: Mrs Rani Chhabra)

Versus

1. Union of India
through its Secretary,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan,
New Delhi.
2. Chief General Manager (Telecom)
Department of Telecom,
Haryana Circle,
Dist. Ambala (Haryana) 133001
3. Asst. General Manager (Administration)
Office of C.G.M (Telecom)
Haryana Circle,
Dist. Ambala- 133001.
4. Divisional Engineer (Administration)
Office of Telecom District Manager,
Rohtak (Haryana)
5. Sub Divisional Officer,
Dept. of Telecom
Charkhi-Dadri (Haryana)

....Respondents

(By Advocate: Shri Gajender Giri)

ORDER (Oral)

By Hon'ble Shri K. Muthukumar, Member (A)

Applicant seeks compassionate appointment in place of her husband who had suffered permanent blindness on account of brain tumor and operation thereon. During arguments learned counsel for the applicant states that she is not pressing the other

relief for compensation as she is aware that there is no provision for adjudication of workmens compensation by this Tribunal. Accordingly she withdraws this prayer. As regards her case for compassionate appointment it is seen that the admitted position is that the applicant's husband was a Temporary Status Mazdoor under the respondents w.e.f. 11.2.85 and he was discharged from duties on 3.9.94 consequent to the permanent physical disability he had suffered. Respondents' claim is that in terms of the departmental Notification dated 7.5.91 it is only in the case of temporary status casual mazdoors who die in harness leaving behind their family in indigent condition, the wife of such deceased could be considered for casual employment in relaxation of the ban imposed. This should also be subject to the condition that none in the family was employed otherwise and the Casual Labourer so appointed will be eligible for conferment of temporary status and regularisation against group-'D' posts as per Casual Labourers- Grant of temporary status and regularisation scheme. It is stated that since in the instant case applicant's husband was Temporary Status Mazdoor and has been discharged from service on medical grounds, he was not eligible for compassionate appointment.


2. Learned counsel for the applicant submits that it is a case where the applicant's husband worked with the respondents almost for 10 years and he sustained some internal injuries in his head while on duty. He had not been given any compensation by the department nor was he given any proper medical treatment

etc. It is also averred that the applicant's family is in indigent condition and department should take a lenient view of this matter. (16)

3. Learned counsel for the respondents however submits that as per the standing instructions, the applicant has no case for compassionate appointment or even the engagement as a Casual Employment, is granted only in the case where a temporary status casual mazdoors die in harness leaving behind their family in indigent condition. While conceding that there may be some hardship in this case, the existing instructions on this subject do not permit any relaxation in the matter.

4. I have heard the learned counsel for the parties and have perused the materials on record. It is true that in terms of the standing instructions there may be no provision for compassionate appointment. The applicant's husband had completed 9 years of service before becoming madically invalidated. Ordinarily, he would have been eligible for regularisation as a regular Group-D post after completion of 10 years of service.

5. In the extraordinary circumstances of this case, I dispose of this application with a direction to the respondents to consider the case of the applicant for re-engagement as a Casual Mazdoor subject to her being found otherwise eligible in accordance with Rules. No costs.


(K. Muthukumar)
Member (A)