

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.2061/97

New Delhi, this the 16th day of September, 1998

Hon'ble Mr. N. Sahu, Member(Admnv)
Hon'ble Dr.A.Vedavalli, Member(J)

Smt. Padma,
Widow of Sh. Rajender Kumar,
2327, Gali Muan wali,
Behind Kali Masjid
Bazar Sita Ram,
Delhi-110 006. ...Applicant

(By Advocate Shri Harvir Singh)

Versus

1. Union of India through
Secretary,
Press Information Bureau,
Ministry of Information and Broadcasting,
Government of India,
New Delhi.
2. The Principal Information Officer,
Press Information Bureau,
Shastri Bhawan,
New Delhi.
3. The Deputy Principal Information Officer,
Press Information Bureau,
Regional Office (NR),
Chandigarh. ...Respondents

(By Advocate Shri V.S.R. Krishna)

O R D E R (ORAL)

By Mr. N. Sahu, Member(Admnv) -

The applicant's husband Shri Rajender Kumar was appointed by an order dated 2.5.88 "for duty on holidays" during the month of May, 1988. By an order dated 21.6.90 (Annexure R-IV) he was appointed as Safaiwala "in a temporary capacity on an initial pay of Rs.750/- per month in the pay scale of Rs.750-12-870-EB-14-940 with effect from 11.6.90 (FN) in the Press Information Bureau, Information Centre, New Delhi." It was stated that he will be on probation for a period of two years w.e.f. 11.6.90.


On 14.1.94 it is stated that Shri Rajender Kumar, Safaiwala working at Information Centre, New Delhi was relieved to join at PIB, Jammu with immediate effect. Annexure R-VII details the acts of improper conduct of late Rajender Kumar namely, his taking liquor during office hours and making a nuisance of himself. Annexure R-VIII states his period of unauthorised absence. There was also a FIR lodged against him at Annexure R-IX A. R-X details how the Police had interacted with his conduct. Under these circumstances his services were terminated w.e.f. 3.6.94 vide order dated 1.12.94. (16)

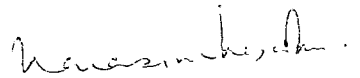
2. We have heard the learned counsel for the applicant as well as the respondents and we are of the view that this order has gone unchallenged. It is in this background that the impugned order (Annexure A-1) rejecting the claim of the applicant for compassionate appointment has to be viewed. The respondents state that he did not die in harness on 24.6.95. His services already stood terminated one year before his death under sub rule (1) of Rule 5 of C.C.S. (T.S.) Rules, 1965 w.e.f. 3.6.94. They deny he had any right to a post. He was initially engaged as a stop gap arrangement for two months and 86 days and thereafter in a temporary capacity. We would have conceded to the argument of the learned counsel for the applicant that after the expiry of probation of two years the late Rajender Kumar should have been declared permanent or at least this Court would have viewed him legally as a permanent employee. but we have narrated above the series of events that has transpired, ultimately culminating in a termination

order which has gone unchallenged. We, therefore, hold that the respondents are right in stating that the late Rajender Kumar was never appointed to a post. He did not die in harness and as he was not a Government servant, his widow could not claim a compassionate appointment. 17

3. We notice that the applicant, the widow of late Rajender Kumar was appointed as a casual labourer in the PIB for a period of one month in the month of May, 1996. We have discussed this matter with the learned counsel for the respondents. We have taken note of the fact that applicant's husband did work for a period of 4 to 5 years, but for the unfortunate interlude during which he was exposed to disciplinary proceedings he would have been a permanent Government servant. Keeping in view this aspect we direct respondent No.2 the Press Information Officer to consider her case for a casual job as and when work is available on a preferential basis.

4. The O.A. is disposed of as above. No costs.


(Dr. A. Vedavalli)
Member (J)


(N. Sahu)
Member (Admnv)

'Sanju'