

(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA 1824/87 .. Date of decision: 10.05.93

Mrs. Chanderkanta .. Applicant
Bhatia

Versus

Union of India .. Respondents

For the applicant .. Sh. D.C. Vohra, Counsel

For the respondents.. None

CORAM

Hon`ble Sh. A.B. Gorthi, Member (A)

Hon`ble Sh. C.J. Roy, Member (J)

JUDGEMENT (Oral)

(Delivered by Hon`ble Sh. A.B. Gorthi, Member (A)

Applicant No.1, who is the widow of late Sh. Som Nath Bhatia who died-in-harness while serving with the respondents as a Senior Gestetner Operator, has prayed in this application that her son, applicant No.2 be given appointment on compassionate grounds.

2. Sh. Som Nath Bhatia died on 14.4.86 and immediately thereafter on 12.5.86 the widow approached the authorities concerned requesting that her only son Rakesh Kumar Bhatia (Applicant No.2) be given compassionate appointment. She continued to approach the authorities till finally on 25.2.87, when she was informed that in view of the fact that her son was

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already working with the respondents as a casual labourer and as there was no other post against which the applicant No.2 could be appointed, her request for regular employment of her son could not be acceded to.

3. The respondents in their counter affidavit, while admitting the essential averments made in the application, have clarified that as Applicant No.2 was appointed by them as a casual labourer, it cannot be said that the applicants were suffering from any such financial indigency as would warrant the immediate appointment of Applicant No.2 as a regular employee on compassionate grounds.

4. There can be no denying the fact that casual employment carries with it no certainty of its continuation. Therefore, the apprehension of the applicants has to be appreciated from this point of view. Keeping in view the facts and circumstances of the case and in the light of the judgement of the Supreme Court in the case of Sushma Gosain Vs. U.O.I. to which our attention has been drawn by the learned counsel for the applicant, we are of the view that the ends of justice would be met if the respondents are directed as follows :

(a) The respondents shall ensure that the services of the applicant as casual labourer are not terminated so long as there is work.

(b) As soon as there is a vacancy against any of the regular Group C/D posts, the case of the applicant shall be considered keeping in view his educational qualification (Matric).

(c) In any case, he shall be considered for regularisation in a Group D post as soon as he becomes eligible for the same in accordance with his seniority.

5. The application is allowed in the above terms and there will be no order as to costs.

pranay
(C. B. Roy)

Member (J)

thirumangal
(A. B. Gorthi)

Member (A)