

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No: OA 1364/1991

Date of decision: 18.11.1992

Smt. Amriti Devi

...Applicant

Vs.

Union of India & Others

...Respondents

For the Applicant

...Shri R.L. Sethi,
Counsel

For the Respondents

...Shri P.P. Khurana,
Counsel

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*

2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The short point for consideration in this case is whether the widow of a deceased casual labourer is entitled to the benefit of appointment on compassionate grounds as envisaged in the OM dated 30.06.1987 issued by the Department of Personnel & Training.

2. We have gone through the records of the case and have heard the learned counsel of both parties. The husband of the applicant had worked as a casual labourer in the office of the respondents from 22.02.1980 to

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29.09.1988. While on duty on the telephone pole, he fell down accidentally and was seriously injured on 29.09.1988. Thereafter, he was shifted to Safdarjung Hospital, New Delhi where he died on 5.10.1988 leaving behind his widow and three minor children. The family of the deceased L was granted ex-gratia payment of Rs.1,000/- and respondent No.3(The Divisional Manager, Telecom Moradabad) recommended appointment of the applicant as casual labourer/Group 'D' post on compassionate grounds. This was also recommended by respondent No.2 (The Chief General Manager, Telecom U.P. Circle, Lucknow). However, she has not been so appointed. She has prayed that the respondents be directed to appoint her on compassionate grounds against a sanctioned Group 'D' post if available and, if not, by creating a supernumerary post in accordance with the directions of the Supreme Court in Sushma Gossain Vs. Union of India, 1989⁽⁴⁾SCC 468.

3. The respondents have stated in their counter-affidavit that during the process of regularisation, the husband of the applicant died, that the applicant had been paid a sum of Rs.75,727/- on account of compensation under Workmen's Compensation Act, 1923 in 1981 and that the case of the applicant is not covered by the scheme for making compassionate appointment.

4. The scheme for making compassionate appointment has been made by the Government to provide the family of

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immediate relief ^a
the deceased Government servant / in deserving cases. A
casual labourer is not a Government servant and he would
become as such only after his absorption in a regular
post. In the instant case, the respondents have stated
that they were in the process of regularisation of the
husband of the applicant at the time of his death. There
is nothing on record to indicate that at the time of his
death, he had been regularised in a Group 'D' post.

5. In view of the above, we are of the opinion that
the applicant is not legally entitled to the relief sought
by her. This would not, however, preclude the respondents
from considering the engagement of the applicant as a
casual labourer in their office if any vacancy exists
having regard to the circumstances in which her ^a husband
died and the financial condition of the family of the
deceased employee.

There will be no order as to costs.

B.N. DHOUDIYAL
(B.N. DHOUDIYAL)
MEMBER (A)
18.11.1992

Ans
(P.K. KARTHA)
VICE CHAIRMAN (J)
18.11.1992

RKS
18.11.1992