

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

(A)

D.A. No: 137/92 of 199

T.A. No: of 199

DATE OF DECISION: 10.9.1993

Smt. Pushpa

PETITIONER.

ADVOCATE FOR THE
PETITIONER

V E R S U S

Union of India & ors.

RESPONDENTS

ADVOCATES FOR THE
RESPONDENTS

CORAM:-

The Hon'ble Mr. Maharaj Din, Member-J

The Hon'ble Mr. _____

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether to be circulated to all other Benches?


SIGNATURE

JAYANTI/

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No: 137 of 1992

Smt. Pushpa Applicants.

V E R S U S

Union of India & ors. Respondents.

Hon'ble Mr. Maharaj Din, Member-Judicial

This is an application for compassionate appointment.

2. The relevant facts giving rise to this application are that applicant, Pushpa is the widow of Mukesh who was employed as casual Safai Wala in Northern Railway at Tundla in the year, 1984. Mukesh had died on 27.6.1990. After the death of Mukesh his widow who is the applicant submitted an application to the respondents for providing job on compassionate ground, which was not replied.

3. The respondents have filed Counter Affidavit and resisted the claim of the applicant inter alia on the ground that, Mukesh, husband of the applicant was engaged as a casual Safai Wala and he worked for about 149 days in broken period till 27.5.1989. Mukesh did not work continuously for more than 120 days as such he did not acquire even the temporary status.

4. I have heard the learned counsel for the parties and perused the record. Mukesh was initially engaged as casual Safai wala w.e.f.16.4.1984 and details of his working days are given in para 4 of

M.D.

the Counter Reply and the same is reproduced as under :-

a.	16.04.1984 to 27.04.1984	12 days
b.	28.04.1984 to 11.05.1984	14 days
c.	09.06.1984 to 08.07.1984	30 days
d.	27.12.1984 to 25.01.1985	30 days
e.	18.02.1985 to 20.02.1985	03 days
f.	03.05.1985 to 25.05.1985	23 days
g.	31.05.1985 to 26.06.1985	27 days
h.	29.11.1986 to 03.12.1986	05 days
i.	23.05.1989 to 27.05.1989	05 days
		<u>Total. 149 days</u>

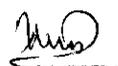
This chart of the working days clearly shows that Mukesh didnot work for 120 days continuously nor he was screened for regularisation. Thus, during his working period, he was merely a daily rated Safaiwala. The respondents in their Counter Reply have also stated that no person junior tothe husband of the applicant has been regularised.

5. The learned counsel for the applicant has submitted that the husband of the applicant died at the age of about 24 years and the applicant has the liability to support and brought up a minor daughter born out of the wedlock of the applicant and Mukesh. The applicant in para 4(V) has stated that Mukesh hadworked for sufficient number of days for being regularised on the post of Safai Wala and it is specifically said in this para that vide

[Handwritten signature]

letter No. 6033 RUN dated 13.01.1990, the services of deceased Mukesh were regularised. The copy of the said letter is not produced for perusal of the Court by the applicant as the same is not in her possession. The respondents in their Counter Reply have said nothing specifically either admitting or denying the said letter. This aspect of the matter perhaps, has not been considered by the respondents as the applicant also failed to give any reference of this letter in her application, Annexure A-1 in which the request was made for providing appointment on compassionate ground. In these circumstances, it would ^{be} just and proper to issue direction to the respondents to consider the case of the applicant for compassionate appointment in the light of the letter of regularisation referred to above.

6. The application of the applicant is accordingly disposed of with the observation that the applicant will submit a fresh application giving the reference of letter No. 6033 RUN dated 13.01.1990 within a period of 30 days from today, thereafter, the respondents shall dispose of the said representation taking the sympathetic view within a period of 3 months from the date of receipt of the representation of the applicant. There will be no order as to costs.



Member-Judicial

Allahabad Dated: 10.9.1993

/jw/