

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.**

WEDNESDAY, THIS THE 18th DAY OF APRIL, 2007.

QUORUM : HON. MR. JUSTICE KHEM KARAN, V.C.

ORIGINAL APPLICATION NO. 1315 OF 2002.

Smt. Kusum, wife of, Late Prabhu Nath, Resident of,
114-C/5, Sulem Sarai, Allahabad.

..... Applicant.
Counsel for applicants : Shri B.K. Srivastava.

Versus

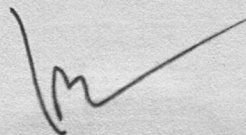
1. Union of India through Ministry of Defence, Army Headquarter, New Delhi.
2. Director General Supply & Transportation (ST-12) MG, ASC Branch, AHQ, DHQ, P.O., New Delhi-11.
3. Headquarter Central Command (MG ASC), Lucknow - 226002 through Brigadier.

..... Respondents.
Counsel for Respondents : Sri B.P. Singh.

ORDER

The applicant Smt. Kusum has prayed that the order dated 2.4.2002 (Annexure-1A), by which her request for compassionate appointment has been declined, should be quashed and Opposite Party No.2 be directed to continue her on the post of Casual Labourer on regular basis and to provide all the benefits as admissible under law and also to consider her representation dated 27.4.2002 (Annexure-XII).

2. Her case, in brief, is that her husband Late Prabhu Nath was working as Casual Labour since December, 1975 in Unit No.264 Coy. A.S.C.(Supply), Type-'C', Allahabad and his engagement became quasi-permanent in terms of order dated 21.10.1985. It is said that Late Prabhu Nath died on 14.7.1997 while still in service and thereupon, she moved one application (Annexure-V) for giving her compassionate



appointment. It is alleged that she was appointed as Casual Labour on 7.10.1997 in Unit No.264 Coy. ASC (Supply), Allahabad and since then is continuing as such. She states that though she ought to have been given regular appointment under dying-in-harness rules but instead of doing it, the Respondents have deleted her name from the waiting list by the order impugned in this O.A. She says that she has given representation on 27.4.2002 for reconsidering her regular appointment but nothing has been done so far.

3. The Respondents have filed reply contesting the claim of the applicant. According to them, the name of the applicant was deleted from the waiting list as no employment could be provided to her, ~~even~~ after expiry of more than one year, for want of vacancies. According to them, the applicant is not entitled to compassionate appointment as she has been paid sizeable retiral benefits and is receiving full family pension. As regards her engagement in capacity of a Casual Labour, it is said that that was done on day to day basis as per the requirement and that was not in the nature of compassionate appointment.

4. *None appeared for the parties. The matter is being decided on merits.*

4A It appears that the applicant has not controverted the averments that on death of her husband, she got terminal benefits and was getting full family pension. A period of more than nine years has elapsed to the death of her husband. Now after lapse of such a number of years, ~~the~~ her claim for regular appointment on compassionate grounds, does not appear to be well-founded. The Tribunal will not be justified in compelling the Respondents to continue the engagement of a Casual Labour on regular basis. So the O.A., being devoid of merit, is dismissed but with no order as to costs.

18.4.07
V.C.

Asthana/