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Central Administrative Tribunal,
Cuttack Bench, Cuttack

Original Application No. 460 of 1991

Date of decision : January 29, 1993.

Smt. B. Savitri Reddy ... Petitioner

Versus

Union of India and others ... Opp. Parties.

For the Petitioner : Mr. Bibekananda Nayak,
Advocate.

For the Opp. Parties : Mr. Ashok Misra, Sr. St. Counsel.

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CORAM:

THE HONOURABLE MR. K. P. ACHARYA, VICE CHAIRMAN

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not?
3. Whether His Lordship wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P. ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a declaration that she may be deemed to be in service and she is entitled to all backwages.

2. Shortly stated the case of the petitioner is that she was working as a casual labourer in the office of the Archeological Survey of India under the administrative control of Superintending Archaeological Chemist, Kedar Gouri Road, Bhubaneswar. She had worked since June, 1986 and at the present moment, Opposite Party No. 3 has not only disengaged her but is not giving work for which the petitioner ^{is} ~~is~~ going with begging bowls. Hence this application has been filed with the aforesaid prayer.

3. In their counter, the Opposite Parties maintained that since there is no work for casual worker to be discharged, the petitioner has been rightly disengaged and the application being devoid of merit is liable to be dismissed.

4. I have heard Mr. Bibekananda Nayak learned counsel for the petitioner and Mr. Ashok Misra, learned Senior Standing Counsel (Central). I do not ^{mean} intend to say that the Government is a charitable institution meant for giving charity to any citizen but hear is a widow lady, who is the petitioner, before this Bench praying for the aforesaid direction. The Hon'ble Supreme Court has said on very many occasions that the Government should be a model employer. Personally I feel that a

sympathetic and compassionate view should be taken by the authorities over the petitioner. I cannot conceive a situation wherein such a high office there would not have any work to be given to the petitioner. Therefore, I would strongly commend to the Opposite Party No. 3, the case of the petitioner for reconsideration with a sympathetic heart and mind and try to give her some work so that she could sustain her livelihood. I hope and trust the observation of this Bench requesting the Opposite Parties for a compassionate heart to be extended to the petitioner would be given effect to within a fortnight or within three weeks from the date of receipt of a copy of the judgment.

5. Thus, the application is accordingly disposed of. No costs.

Leach *AMR*
29.1.93
Vice-Chairman

Central Administrative Tribunal
Cuttack Bench, Cuttack
29.1.1993.

