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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.202 of 1993

Thukuri Behera ... Applicant
Vs.
Union of India & Others ... Respondents

ORIGINAL APPLICATION NO:218 of 1993

Tilettama Behera ... Applicant
Vs.
Union of India & Others... Respondents

ORIGINAL APPLICATION NO:203 of 1993

Sanjaya Kumar Muduli ... Applicant
Vs.
Union of India & Others... Respondents

DATE OF DECISION: 7th February, 1994

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *M*
2. Whether it be circulated to all the Benches of the *M* Central Administrative Tribunals or not?

KN-7-2-94
(K.P.ACHARYA)
VICE CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
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ORIGINAL APPLICATION NO:203 of 1993

Sanjaya Kumar Muduli ... Applicant
Vs.

Union of India and others ... Respondents

Date of decision: 7th February, 1994.

For the Applicants ... M/s. S.S.Das, R.N.Mohanty,
(in all the cases) B.N.Rath, Advocates.

For the Respondents ... Mr. Ashok Misra, Senior
(in all the cases) Standing Counsel (Central)

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CORAM:

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

JUDGMENT

K.P.ACHARYA, V.C.

All these applications were heard on merits one
after the other.

2. Three petitioners in all these three cases prayed
for a compassionate appointment under the rehabilitation
scheme in the Central Rice Research Institute, Cuttack
on the ground that their predecessors in interest were
V.N.

working as Casual labourers in the said institute.

3. In Original Application No.202 of 1993, Hadibandhu Behera is the father of the Petitioner Shri Thukuri Behera. Claim of the Petitioner Thukuri is that his father died in harness while he was working as casual labourer in the said institution.

4. In Original Application No.203 of 1993, the Petitioner Sanjaya Kumar Muduli claims that his brother Trailekya Muduli who was working as casual labourer in the institute died on 30th December, 1984 and therefore, he should be given an appointment on compassionate ground.

5. In Original Application No.218 of 1993, Petitioner Tilettama Behera widow of Mohan Chandra Behera claims similar relief on the ground that her husband had worked for 1976 till his date of death and therefore, she should be given a compassionate appointment.

6. In all these applications, counters have been filed in which, it is maintained by the Opposite Parties that Hadibandhu father of Thukuri, Trailekya brother of Sanjaya and Tilettama wife of Mohan had worked intermittently ^{and} _{in} for sometime in the past they were not to be heard and they had disengaged themselves from rendering casual work. Therefore, it is maintained by the

Opposite Parties that the Petitioners are not entitled to derive the benefit under the rehabilitation scheme especially because their deceased father brother and husband respectively were not regular employees.

7. I have heard Mr. Ashok Misra learned Senior Standing Counsel (Central) in all the three cases and I have perused the relevant pleadings of the parties and the documents attached to the records. The fact that Hadibandhu, Trailekya and Mohan had worked as casual labourers was not disputed. The only dispute was that they had disengaged themselves sometime prior to their death. Possibility of their disengagement before death might be due to their illness which ultimately might have resulted in their death cannot be overruled.

8. In the circumstances stated above, I would direct that Thukuri and Sanjaya Petitioners in O.A. Nos. 202 of 1993 and 203 of 1993 respectively be given work as casual labourers as and when work is available. I cannot lose sight of the fact that on each and every day casual labourers are being engaged by the said institution and this fact was admitted by one of the officers representing the said office. Therefore, I
V.N.

would direct that whenever a single casual labourer is engaged in the institution, preference must be given to the petitioner Smt. Tilettama who is the petitioner in O.A.No.218 of 1993. After employing her as a casual labourer for the day, if any other work is available on such casual basis, such work shall be given to such casual labourers as would be chosen by the concerned authority including Thukuri and Sanjaya. Petitioners would be entitled to the basic pay scale and DA of a regular employee in the Group 'D' cadre as observed by Their Lordships of the Hon'ble Supreme Court, and Petitioners in all these cases are directed to approach the Director of the Institute who in his turn would entrust work on casual basis to the Petitioners.

9. Thus, all the three applications are accordingly disposed of leaving the parties to bear their own costs.

K. Mohanty
7.2.94
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench,
K. Mohanty/7.2.1994

