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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 757 of 1994

Cuttack this the 29th day of September, 1995

Smt. Tillotama Behera ... Applicant (s)

Versus

Union of India & Others ... Respondent (s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No.
2. Whether it be circulated to all the Benches of the No. Central Administrative Tribunal or not ?


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

29 SEP 95

CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

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Cuttack this the 29th day of September, 1995

C O R A M:

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

Smt. Tillotama Behera aged 28 years
Wife of Late Mohan Chandra Behera,
resident of Vill: Kamapur,
PO: Kandarpur, Dist: Cuttack

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Applicant

By the Advocate: M/s. L. Mohapatra
M. R. Mohanty-2
B. K. Nayak
S. C. Mohanty

Versus

1. Union of India, represented through
Indian Council of Agricultural
Research, Rajendra Prasad Road,
New Delhi
2. Director, Central Rice Research
Institute, At/PO: Bidyadharpur
Cuttack

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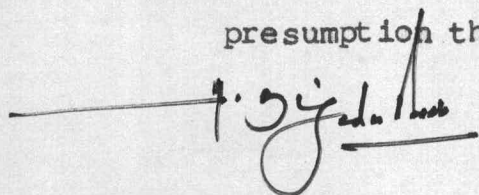
Respondents

By the Advocate: Mr. Ashok Mishra,
Sr. Standing Counsel (Central)

O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMN): Mohan Chandra Behera was

employed as a Skilled Casual labourer in Central Rice Research
Institute, Cuttack, for about fourteen years intermittently
from 1972 until his demise in 1986. The death occurred
before his services could be regularised. The services of
two other colleagues of Mohan Chandra, who were employed
likewise, were regularised in 1987, which leads to the
presumption that his services too would have been similarly



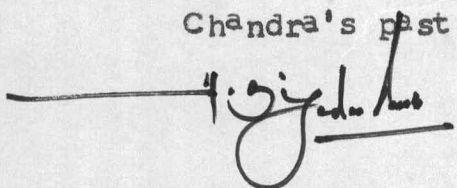
regularised had death not intervened in his case an year earlier. After his demise, his widow, Smt. Tilottama Behera, who is the applicant in this case, applied for an appointment on extreme compassionate grounds in the Institute on the ground that her husband had dutifully served the organisation for nearly one and a half decades.

2. Tilottama filed an earlier Original Application before this Tribunal (O.A. 218/93) which was disposed of on 7.2.1994 with a direction that whenever any casual labourer is engaged in the Institute after that date, the first preference should be given to her in the matter of employment. It was also directed that the Institute should continue to entrust any work that may be available to her.

3. The grievance of the applicant is that despite repeated representations to the authorities, no meaningful action has been taken by them to provide work to her as directed earlier by this Tribunal. She believes that casual labourers continue to be engaged by the Institute regularly but her case has been ignored. An additional complaint is that certain amounts which were due to her late husband have not yet been paid to her despite her requests to the authorities of the Institute.

4. The applicant's prayer remains unchanged in the present Original Application, as well, viz., provision of employment to herself on compassionate grounds.

5. The respondents admit the history of Mohan Chandra's past service in the Institute, but explain that

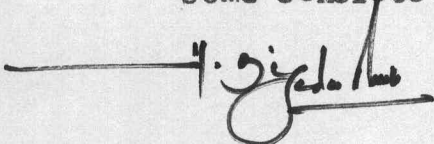


there is a total ban on creating any new post of casual labourers after September, 1990, and much of the work is being got done on contract basis.

They deny that any new casual labourers are at all engaged by them except those who are on their rolls permanently. They say that no terminal benefits are admissible to casual labourers, and that only an amount of Rs.94.50 is awaiting disbursement. They are ready to pay this amount to her if she submits a succession certification and claims the amount. They are at pains to reiterate that no fresh casual labourer has been engaged by the Institute after 1990 and that as soon as a vacancy of casual labourer arises in future, they shall give the applicant due preference.

The position as explained by the respondents does not afford the scope to pass any fresh or different orders other than what has already been done in O.A.218 of 1993. The earlier instruction is reiterated.

6. One of the officers of CRR I who was present at the hearing on 22nd August, 1995, mentioned, however, that a new project is about to be launched very shortly under the auspices of the Institute which would require casual labour-force on a considerable scale. An assurance was held out that whenever the contemplated project commences, the applicant shall be among the first labourers to be engaged in it. This assurance is accepted. It is expected that the Institute shall stand by its commitment and some concrete relief is provided to Smt. Tilottama Behera



in about three months from to-day.

7. As regards the disbursement of a paltry amount of less than a hundred rupees, representing the undisbursed wages of late Mohan Chandra, it does not appear to be correct to insist on a legal-heir or succession certificate from an illiterate widow. She shall have much difficulty and expense to obtain such a document. Considering the smallness of the amount, it shall be adequate if her statement is accepted that she is the legal heir and successor of late Mohan Chandra. There is no rival claimant, nor is the claim disputed. As an additional precaution, the authorities may, if they wish, get an undertaking from her indemnifying the Institute against any future loss in this matter. This may be done and Rs.94.50 due to the deceased employee be disbursed to her within fifteen days of the receipt of a copy of these orders.

Thus the Original Application is disposed of.

No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

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B.K.Sahoo//