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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 385 OF 1999
Cuttack, this the 13th day of November, 2000

Annapurna Mirdha

....Applicant

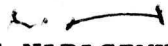
Vrs.


The Director, CCBF and others...

Respondents

FOR INSTRUCTIONS

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


(G. NARASIMHAM)
MEMBER (JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN
13.11.2000

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CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....
Annapurna Mirdha, aed about 33 years, widow of late
Bimaleswar Mirdha, village Rupapali, P.O-basantapur,
Dist.Sambalpur-768 025..... Applicant

Advocate for applicant - Mr.S.J.Pradhan

Vrs.

1. The Director, Central Cattle Breeding Farm, Chiplima,
P.O-Basantapur, Dist.Sambalpur,Orissa-768 111.
2. Union of India, represented through the Secretary,
Ministry of Agriculture, Government of India, Department
of Animal Husbandry and Dairying, Krishi Bhawan, New
Delhi.
3. The Secretary, Department of Personnel, Public Grievances
and Pension (Department of Personnel & Training),
Government of India, New Delhi... Respondents

Advocate for respondents - Mr.S.B.Jena
ACGSC

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

S.Som
In this application the petitioner has
prayed for a direction to the respondents to engage her as
casual labourer on compassionate ground in Central Cattle
Breeding Farm under respondent no.1. The respondents have
filed counter, and the applicant has filed rejoinder which
have been perused. For the purpose of considering this
petition it is not necessary to go into too many facts of

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this case.

2. According to the applicant, her husband Bimaleswar Mirdha was serving as a Driver in the office of Director, Central Cattle Breeding Farm, Chiplima from 1987 on NMR basis. The respondents have stated on this point that the petitioner's husband was engaged as a casual worker in 1987 and was allotted duty of Tractor Helper and sometimes during the off days of the regular Driver he was required to run the Tractor. It is the admitted position that husband of the petitioner was conferred temporary status in order dated 25.11.1995. The petitioner's husband died on 11.10.1997 leaving behind widow (the petitioner) and three minor daughters. The petitioner has stated that after death of her husband she is living in miserable penury with three minor daughters as she has no landed property. She has represented in August 1998 for compassionate appointment, but no orders have been passed on this. The respondents' stand is that a casual worker with temporary status does not hold any post because temporary status is conferred even in the absence of availability of regular post. On the above grounds the respondents have opposed the prayer of the applicant.

S. J. Pradhan.
3. We have heard Shri S.J. Pradhan, the learned counsel for the petitioner and Shri S.B. Jena, the learned Additional Standing Counsel for the respondents.

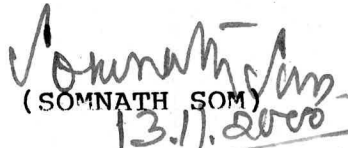
4. In support of their contention the respondents have relied on the decision of the Hon'ble Supreme Court in the case of State of Haryana and others v. Rani Devi and another, date of judgment 15.7.1996, the gist of which has been printed at pages 68 to 70 of Swamysnews

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November 1997, Serial No.209. In that case the Hon'ble Supreme Court noted their Lordships' earlier decision in Life Insurance Cororation of India v. Asha Ramchandra Ambedkar and another, (1994) 2 SCC 718, in which it has been laid down that compassionate appointment can be made only within the four corners of the Regulations framed in respect thereof and Courts and Tribunals cannot issue direction on sympathetic consideration for compassionate appointment. The scheme of compassionate appointment is meant for providing immediate sustenance to the indigent family of a Government employee who dies in harness. A casual labourer even with temporary status is not an employee because he is not employed against any post. Only in the Railways there is a separate scheme for giving compassionate appointment to wards of casual labourers who die in harness. As the petitioner has not quoted any scheme or rule under which compassionate appointment can be provided to a ward of a casual labourer with temporary status we hold that the applicant is not entitled to the relief claimed.

5. In the result, the O.A. is held to be without any merit and is rejected. No costs.


(G.NARASIMHAM)

MEMBER(JUDICIAL)


(SOMNATH SOM)

13.11.2000
VICE-CHAIRMAN

November 13, 2000/AN/PS