

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.436/2003

Thursday this the 29th day of May, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

P.V.Manju
W/o Late S.Gopalakrishnan Nair
Residing at T.C.17/333, Konathu Veedu
Chadiyara Poojapura P.O.
Trivandrum -12.

Applicant

(By advocate Mr. Thomas Mathew)

Versus

1. Senior Post Master
General Post Office
Trivandrum.
2. Senior Superintendent of Post Offices
Trivandrum North Division
Trivandrum.
3. Chief Post Master General
Kerala Circle, Trivandrum.
4. Director General, Department of Posts
New Delhi.
5. Union of India represented by its
Secretary, Department of Posts
New Delhi.

Respondents.

(By advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 29th May, 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

Applicant is the widow of S.Gopalakrishnan Nair who while working as a casual labourer with temporary status with effect from 1.1.1991 died in harness on 14.4.2002. Alleging that the applicant's husband was the next person to be regularized after Ganesan at rank No.14 but was ignored, that the inaction on the part of the respondents to regularize the applicant's husband was unreasonable, that in terms of the ruling of the Hon'ble Supreme Court in Jagrit Masdoor Union Vs. Mahanagar Telephone and connected cases (1990) SCC (L&S) 606, casual labourers are

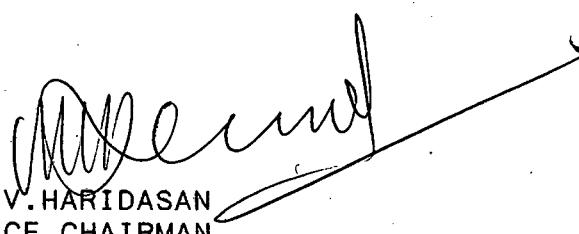
entitled to the benefits as are admissible to Group-D employees on regular basis after rendering 3 years of continuous service with temporary status and that the denial on the part of the respondents to grant family pension to the applicant is against the principle laid down by the Apex Court, the applicant made A-13 representation dated 4.6.2002. Finding no response, the applicant has filed this application for setting aside A-12 order dated 30.11.92 by which certain benefits were conferred on the casual labourers on completion of 3 years of service after temporary status, which excluded the benefit of family pension and for a declaration that the applicant is entitled to family pension on the demise of her husband with effect from 14.4.02 deeming that the said Gopalakrishnan was regularized in a Group 'D' post.

2. When the application came up for hearing, the learned counsel of the applicant submitted that the applicant would be satisfied if she is permitted to make a detailed representation to the 3rd respondent for considering the claim of the applicant for family pension after regularizing her late husband in a Group-D post which arose prior to his death, and the 3rd respondent is directed to dispose of such a representation. The learned counsel for the respondents submitted that the respondents have no objection in disposing of this application with such a direction.

3. In the light of what is stated above, the applicant is permitted to make a detailed representation within 3 weeks to the 3rd respondent claiming regularization of the applicant's late husband in a Group-D post which arose in his turn prior to

his death and for grant of family pension and other terminal benefits and the 3rd respondent is directed that on receipt of such a representation, the same shall be considered in the light of rules and instructions on the subject as also availability of vacancy in Group 'D' and to give the applicant an appropriate reply within three months from the date of receipt of the representation.

Dated 29th May, 2003.


A.V. HARIDASAN
VICE CHAIRMAN

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