

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 61 of 2006

Tuesday, this the 26th day of SEPTEMBER 2006

C O R A M :

HON'BLE MR. K B S RAJAN, JUDICIAL MEMBER

HON'BLE MR. N. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Madhavi K,
D/o. Kochikka M,
Thevarkavil Thekkathil,
Padanayar Kulangara South,
Karunagappally, Kollam.

...

Applicant.

(By Advocate Mr. P.A. Noor Muhammed)

v e r s u s

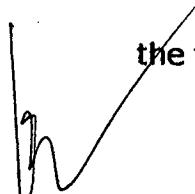
1. Union of India represented by
Director General of Post,
Department of Posts,
New Delhi.
2. The Sub Divisional Inspector of Post Offices,
Karunagappally Sub Division,
Karunagappally P.O., Pin: 690 518
3. The Post Master.
Karunagappally Head Post Office,
Karunagappally Kollam : 690 518. Respondents.

(By Advocate Mrs. K. Girija, ACGSC)

The Original Application having been heard on 26.9.06, this Tribunal on the same day delivered the following:

ORDER
HON'BLE MR. K B S RAJAN, JUDICIAL MEMBER

The applicant claims regularization or compassionate appointment with the following credits in her favour:-



(a) That she is the daughter of Smt. Kochikka, who served as casual labourer (sweeper) for about 45 years and died on 26-11-2005.

(b) She had been engaged as a part time sweeper in two spells from June 2005 to 25-11-2005 and later on from 01-12-2005 to 18-01-2006.

(c) That she had earlier served on behalf of her mother for 3-1/2 years.

2. The rules for regularization and provisions for compassionate appointment are specific and with certain attendant conditions. As regards regularization, the latest case of State of Karnataka vs Umadevi, (2006) 4 SCC 1, mandates that in respect of casual labourers ordinarily, there shall be no regularization, particularly, when the engagement as casual labourer is not in accordance with law. In this case, the applicant, who is running 47 years of age, admittedly has served only for a limited period and she had not been through employment exchange. As regards compassionate appointment, the same is available subject to various constrictions and restrictions, only in respect of the wards of a regular employee. In this case, the mother of the applicant was serving only as a casual labourer and not a regular employee.

3. The counsel for the applicant had contended that the respondents have engaged a fresh hand and as such, their contention in the reply that the work was being maintained by the existing two sweepers is not factually true. This

has not been duly substantiated by the applicant. In any event, no vested rights accrue in favour of the applicant for regularization or for compassionate appointment.

4. The applicant has, thus, not made out any case. Hence, the OA is dismissed. No costs.

(Dated, 26th September, 2006)



N. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

K B S RAJAN
JUDICIAL MEMBER

CVR.