

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM

DATE OF DECISION

02-11-1989

PRESENT

Hon'ble Shri S.P.Mukerji, Vice Chairman
&
Hon'ble Shri A.V.Haridasan, Judicial Member

ORIGINAL APPLICATION NO.74/87

N. Lilly Bai .. Applicant

Vs.

1. The Southern Railway,
Park Town, Madras-3 represented
by the General Manager.

2. The Divisional Manager,
Southern Railway, Railway
Divisional Manager's Office,
Thycaud, Trivandrum-14.

3. The Personnel Officer,
Trivandrum Railway Division,
Thycaud, Trivandrum-14.

4. The Permanent Way Inspector,
Southern Railway,
Thycaud, Trivandrum-14. .. Respondents

Counsel for the applicant .. Mr. M.Ramachandran.

Counsel for the respondents.. Mrs. Sumati Dandapani.

O R D E R
(Shri S.P.Mukerji, Vice Chairman)

We have heard the learned counsel for both the parties and have gone through the documents carefully. In this application dated 16.10.86 under Section 19 of the Administrative Tribunals Act, which has been filed by the widow of Shri D.Christudas who expired while he was working as a Casual Labourer in the Southern Railway in 1985, It is admitted that the deceased employee had attained temporary status in 1982. The applicant has prayed for compassionate appointment under the Railways in the

general scheme of such appointment to be given to the dependents of those Railway servants who die in harness or in connection with the discharge of their duties or are medically incapacitated. The compassionate appointment has been denied by the respondents on the ground that as a Casual worker the deceased was not a regular employee and therefore, ^{his widow is} not entitled to the benefits of the scheme.

2. The counsel for the applicant brought to our notice the extracts of the Railway Board's Order No.E(NG)/II/82/RC 1/22 dated 2.2.1983 appearing on page 55 of Shri M.L. Jund's Book ^{entitled} Indian Railway Establishment Manual (1985 Edition). The extracts read as follows:

"The above orders apply to Casual Labourers also but the offer of appointment to their wards will be generally only as Casual Labour."

The learned counsel for the respondents, however, drew our attention to the order of the Railway Board dated 7.4.83 at Exbt.R.3A wherein a note appears to the effect that "that" the appointment on compassionate grounds is admissible to the dependents or wards of regular employees only".

3. The learned counsel for the respondents argued that since this order had been issued on 7.4.83 subsequent to the aforesaid order dated 2.2.83 wards of Casual employees are debarred from compassionate appointment.

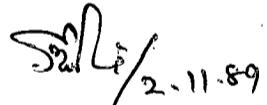
4. We are not impressed by this argument. The order dated 7.4.83 refers to regular appointment on

compassionate grounds to be given to the wards of regular employees and it indicates that regular employment is admissible only to the dependents/wards of regular employees only. This order to our mind does not take away the enabling provision of the order dated 2.2.83 whereby Casual employment on compassionate grounds has been generally made available to the dependents/wards of deceased casual workers. The learned counsel for the applicant did not press for regular employment for the applicant.

5. In the circumstances we allow this application only to the extent of directing the respondents to consider the applicant immediately for compassionate employment as a Casual worker with suitable casual employment. Action on the above lines should be completed within a period of two months from the date of communication of this order. In the circumstances there will be no order as to costs.



(A.V. HARIDASAN)
JUDICIAL MEMBER


S.P./2.11.89

(S.P. MUKERJI)
VICE CHAIRMAN

02-11-1989

Sn.