

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

**Original Application No.312/2008
This the 05th day of June 2009**

HON'BLE MR. M. KANTHAIYAH, MEMBER JUDICIAL.

Smt. Pratima Srivastava, aged about 34 years, wife of Late Sri Sanjay Kumar Srivastava, R/o S.A.I. Training Center, 15, Dhyan Chand Stadium, Guru Govind Singh Sports College, Kursi Road, Lucknow.

...Applicant:

By Advocate: Shri Mayankar Singh.

Versus.

1. Union of India through its Secretary, Department of Sports, New Delhi.
2. Sports Authority of India, J.L. Nehru Stadium, New Delhi, through its Director General.
3. Deputy Director, Personnel, J.L. Nehru Stadium, New Delhi.
4. Executive Director (Finance & Personnel), S.A.I., J.L. Nehru Stadium, New Delhi.
5. Deputy Director, S.A.I. , Sub-Centre, Sarojini Nagar, Kanpur Road, Lucknow.

... Respondents.

By Advocate: Shri Dr. Neelam Shukla.

ORDER

BY MR. M. KANTHAIYAH, MEMBER JUDICIAL.

The applicant has filed the OA with a prayer to issue direction to the respondents to treat the applicant as a regular employee w.e.f. 7.10.2003 and for payment of regular pay scale with all other consequential benefits on the ground that her appointment was made after the death of her husband on compassionate ground but instead of giving regular post the authorities have appointed on temporary/contract basis vide order dt.

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7.10.2003 (Ann.-A-6) and as such, she is entitled for regular appointment since 07.10.2003 with all other consequential benefits.

2. The respondents have filed Counter Affidavit, stating that the application of the applicant for her appointment on compassionate ground is still pending for consideration for want of vacancies and in respect of the appointment dt. 7.10.2003, it was only on contract basis at a fixed remuneration of Rs. 5000/- for a period of 89 days and as such, the applicant is not entitled for her regular appointment from 07.10.2003.

3. The applicant has filed Rejoinder Affidavit, denying the stand taken by the respondents and also reiterating her pleas in the OA.

4. Heard both sides.

5. The point for consideration is whether the applicant is entitled for the relief as prayed for.

6. The admitted facts of the case are that the husband of the applicant, while working as Clerk cum Typist (Hindi) in the respondent department died on 19.04.2000. Thereafter, she made representation for her appointment on compassionate ground and the same is still pending for want of vacancies but during the pendency of such representation the authorities have provided temporary /contract basis appointment to the applicant as Lady Warden on the fixed remuneration of Rs. 5000/- per month for a period of 89 days with certain conditions including that appointment given can be terminated at any time without any notice or asking any reasons. The applicant has been continuing on the said post with intermittent brakes on contract basis.

7. Now the applicant has filed this OA for regularization of her services from 07.10.2003 and also for payment of difference of regular pay and other allowances.



8. Admittedly, the claim of the applicant for compassionate appointment was still under consideration before the respondent authorities. The appointment of the applicant dt. 7.10.2003 (Ann.A-6) is only contract basis and further the same is under contract scheme and in such circumstances, the applicant is not at all justified to claim benefits of regularization w.e.f. 7.10.2003. The applicant is justified to make such claim if her appointment under Ann.A-6 dt. 7.10.2003 was made under compassionate scheme. But whereas, the same is in respect of contract appointment. In view of the above circumstances, when the claim of the applicant for her appointment on compassionate ground is still pending for consideration, she is not entitled to claim regular appointment w.e.f. 7.10.2003 as claimed by the applicant and as such, OA is liable for dismissal.

In the result, OA is dismissed. No costs.

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(M. KANTHAIAH)
MEMBER (J)

05-06-2009

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