

**THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH**

Original Application No.224/2006.  
This the 14<sup>th</sup> day of July 2006.

**HON'BLE MR. P.K. CHATTERJI, MEMBER (A).**

1. Smt. Shanti Devi, aged about 52 years, wife of Late Shri Dhanai Singh,
2. Shailendra Kumar Singh, aged about 20 years, son of Late Shri Dhanai Singh,  
Both residents of Village Khargapur, Post Office Huzurpur,  
District Bahraich.

...Applicant.

By Advocate: Shri R.C. Singh.

Versus.

1. Union of India through the Secretary, Ministry of Communication (Department of Posts), New Delhi.
2. Chief Postmaster General, U.P. Circle, Lucknow.
3. Superintendent of Post Offices, Bahraich Division, Bahraich.

.... Respondents.

By Advocate: Shri Yogesh Kesharvani.

**ORDER (Oral)**

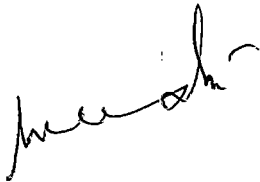
1. Heard Shri R.C. Singh, Learned counsel for the applicant and Shri Yogesh Kesharvani, learned counsel for the respondents.
2. This O.A. has been filed by Smt. Shanti Devi and Others Vs. Union of Indian & Others impugning the order of the respondents rejecting the request for compassionate

appointment of Shri Shallendra Kumar Singh son of Late Shri Dhanai Singh, who is working as Chowkidar in the Branch Post Office, Huzurpur, District Bahraich.

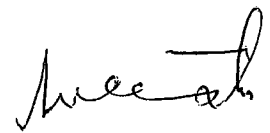
3. After submissions of the O.A., an application contesting the maintainability of the compassionate appointment was submitted by the respondents. Thereafter Rejoinder-Affidavit on behalf of the applicants has also been furnished by the learned counsel for the applicants.
4. Perused the contents of the main application as well other documents and also heard both the parties.
5. Shri R.C. Singh, learned counsel for the applicant has strongly pleaded that Late Dhanai Singh firstly appointed as contingency paid staff in the year 1983 and thereafter he continued on the post. Although there was a break between 1988 to 1989. He was conferred temporary status as per rules of the department in July 1991. Moreover, he was also asked to furnish the documents claiming grant of permanency in the year 1992 and the document relating to the work of Late Dhanai Singh was submitted in compliance. Thereafter the applicant did not have any knowledge if any action was taken by the respondents for permanency. Learned counsel for the applicant has further stated that he was working as contingency paid Chowkidar with temporary status for a long period and his pay was fixed at the highest stage of the such for Group-'D' staff. Late Dhani Singh died

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on 19.10.2005. Thereafter this application has been filed by his wife and his son.

6. Shri Yogesh Kesharvani, Learned counsel for the respondents contested the points made by Shri R.C. Singh and stated that notwithstanding the fact that Late Dhanai Singh worked in the capacity of casual labourer for long time and also that he was given temporary status, but due to various reasons may be account of vacancies not being available for permanency could not be conferred upon Late Dhanai Singh. Therefore on the date of his death, he was not regular Group-'D' employee. so as per rules of compassionate appointment he is not entitled to any consideration. Shri R.C. Singh, learned counsel for the applicant further stated that after three years of conferring temporary status an official become entitled to be considered for the benefit of Group-'D' employees. The learned counsel for the applicants also read out extract of relevant judgment dated 21.07.2000 passed in O.A.No.518/1996 of Allahabad Bench of this Tribunal, based on relevant judgment of Hon'ble Supreme Court dated 24.11.1989 " The Learned Tribunal hold that after rendering three years of continuous service with temporary status the casual labourers shall be treated as par with temporary Group-'D' employees of the department of posts and would be entitled to be the benefits of Group-'D' employees".
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7. However, the position in this matter seems that after three years of giving temporary status the benefit which will accrue are limited to certain benefits. The Learned counsel for the respondents denied that permanency was granted to the Late Dhanai Singh and on this very issue, he has contested the claim of the son of Late Dhanai Singh to be considered for compassionate appointment.
8. After hearing both the sides and on the basis of pleadings, it is very clear as no regularisation was done for Late Dhanai Singh, the application filed by his wife and son is not maintainable as per the rules of compassionate appointment therefore, the O.A. is not admitted.
9. In view of the above, OA is dismissed without any order as to costs.



**(P.K. CHATTERJI)**  
**MEMBER (A)**

Ak/.