

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

M.A. No. 594/94 in
D.A. No. 716/91.

Dt. of Decision : 4-8-1994.



1. Union of India, rep. by its Secretary, Ministry of Defence (Naval Wing) New Delhi - 110 001.
2. The Chief of Naval Staff, New Delhi - 110 001.
3. The Flag Officer Commanding-in-chief, Eastern Naval Command, Visakhapatnam - 530 014.
4. The Admiral Superintendent, Naval Dockyard, Visakhapatnam.

.. Applicants.

Vs

Smt. Gollavilli Lakshmi .. Respondent.

Counsel for the Applicants : Mr. N.V. Ramana, Addl. CGSC.

Counsel for the Respondent : Mr. M.P. Chandra Mouli

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA 716/91.

Dt. of Order: 18-1-94.

Smt.Gollavilli Lakshmi

....Applicant
Vs.

1. Union of India rep. by its Secretary,
Ministry of Defence (Naval Wing),
New Delhi-110 001.
2. The Chief of Naval Staff,
New Delhi-110 001.
3. The Flag Officer Commanding-in-Chief,
Eastern Naval Command, Visakhapatnam-530 014.
4. The Admiral Superintendent, Naval Dock
Yard, Visakhapatnam.

....Respondents

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Counsel for the Applicant : Shri M.P.Chandramouli

Counsel for the Respondents : Shri N.V.Ramana, Addl.CGSC

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CORAM:

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

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....2.

ORDER

As per Hon'ble Shri A.B. Gorthi, Member (Admn.)

The applicant is the widow of Late G. Appa Rao who was employed in the Naval Dockyard, Visakhapatnam as a Casual unskilled labourer. His services were regularised with effect from 3.10.79. While he was in service he died on 13.3.1989. The applicant requested the authorities concerned for giving her appointment on compassionate grounds vide her letter dt. 25.5.89. Her request was turned down by the respondents vide their letter dt. 31.5.1989 on the ground, that the applicant's husband was not a regular employee of the establishment but was only holding continuous casual post at the time of his death.

2. A similar case had come up earlier before the Tribunal in DA 498/88 which was decided on 1.1.1991.

Relevant portion of the judgement is reproduced below:-

a) The order shows that the services of the husband of the petitioner were regularised by the respondents and it is also stated that he was entitled to the benefits as admissible to regular industrial employees. In the counter it is stated that such casual personnel (as the applicant) will be entitled to all benefits as for regular employees viz., fixation of pay, annual increments, leave, pension, and gratuity, medical attendance etc., excepting seniority, probationary

Qualif.

• At the beginning of the paper, the address will be followed

Copy to:-

Chief of Naval Staff, Naval Dockyard, Visakhapatnam-014.

1. Secretary, Ministry of Defence(Naval Wing), Union
Ministry of Defence, 1, South Block, New Delhi-001.

2. The Chief of Naval Staff, New Delhi-001.

3. One copy to be sent to Flag Officer Commanding-in-Chief, Eastern Naval Command, Visakhapatnam-014.

4. The Admiral Superintendent, Naval Dockyard,

Visakhapatnam-014.

5. One copy to the Advocate General and Solicitor General of Andhra Pradesh and Orissa.

6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.

7. One copy to Library, CAT, Hyd.

8. One spare copy. (C)

9. One copy to the Commandant, Naval Dockyard, Visakhapatnam-014.

10. One copy to the Commandant, Naval Dockyard, Visakhapatnam-014.

11. One copy to the Commandant, Naval Dockyard, Visakhapatnam-014.

12. One copy to the Commandant, Naval Dockyard, Visakhapatnam-014.

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period and grant of quasi permanent status.

This shows that the respondents wanted to give all the financial benefits and welfare benefits like medical attendance to such casual employees.

It would, therefore, be logical to extend the social security benefit like compassionate ground appointment to the dependents (in the event of the death of such casual employee) also. This is perhaps the intention of the term etc., after the list of benefits available to such casual employees.

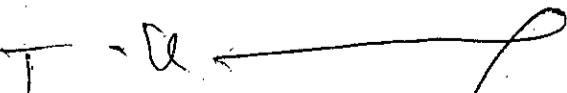
(b) In view of the foregoing, we feel that the applicant is entitled to compassionate appointment and direct the respondents to consider the case of the applicant for appointment compassionate grounds consistent with her qualifications.

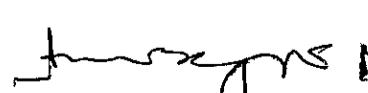
(c) The application is accordingly allowed.

No order as to Costs.

3. The respondents in their counter affidavit have stated, that they would consider the case of the applicant also in accordance with the directions contained in the judgement in OA No. 498/88. In view of the assurance given by the respondents, this application is allowed with a direction to the respondents to consider the case of the applicant for appointment on compassionate grounds on merits within a period of 3 months from the date of communication of this judgement.

4. No order as to costs.


(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)


(A.B. GORATHI)
MEMBER (ADMN.)

Dated : The 18th January 94.
(Dictated in open court)

SPR

Annexure 7-24
D.Y.R (J) Contd..