

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

O.A.No.1449/94.

- - - - -

Date of decision: 23.12.1997

Between:

M.Lakshmi.

Applicant.

And

1. The Sub Divisional Officer, Phones(North),
Musheerabad, Hyderabad - 500 020.
2. The Divisional Engineer, Phones,
Musheerabad, Hyderabad - 500 020.
3. The General Manager, Hyderabad Telecom Dt.
(representing Union of India). Survalok
Respondents.

Counsel for the applicant: Sri C.Suryanarayana
Counsel for the respondents: Sri V.Bhimanna.

JUDGMENT

(by Hon'ble Sri H. Rajendra Prasad, Member (A))

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Heard Sri C.Suryanarayana, learned counsel for
the applicant and Sri V.Bhimanna, learned counsel for

The applicant is a daily rated contingent Sweeper
since 1992. Her original grievance was that no terminal
benefits in respect of her son, who was similarly employed
and passed away in 1988, were sanctioned to her. The
respondents explain that since deceased official was not
a regular employee, no benefits such as
gratuity, pension or family pension, Group Insurance etc.,
were available to him. The second grievance of the
applicant is that she has not so far been given any
compassionate appointment on the demise of her son

8/23/12

: 4 :

Such arrears as she may be entitled to shall be disbursed to the applicant within 30 days after the completion of their respective responses, while examining the case of the applicant for pro-rata wages, shall keep in view the judgment of Hon'ble Supreme Court in A.I.R.1987 S.C.2242 (summa)

The applicant's prayer for appointment on compassionate grounds as a full-time casual mazdoor, the same may be considered as per extant rules and her eligibility. This shall be done within ninety days of the receipt of a copy of this Order.

With the above observations, the O.A., is disposed of. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद - बाराका
HYDERABAD BEN

Spore

The respondents state that her initial engagement was itself irregular inasmuch as no casual mazdoors can be engaged for more than four hours in a working day. They disclose that no Scheme exists so far to grant compassionate appointments to the dependents of deceased casual mazdoors; and further that the dependents of such employees are not entitled to terminal benefits or family pension as are available to regular employees.

At one stage during the course of the hearing, it was asserted by the respondent that the applicant was in receipt of Rs.700/- p.m. and not Rs.100/- or Rs.150/- as stated by her. However, despite being given an opportunity to do so, the respondents were unable to produce any document to substantiate the assertion that the applicant was being paid at Rs.700/- per mensem.

In the counter-affidavit, it is stated that the claim for sanctioning the arrears of wages on the basis of wages equal to Rs.100/- per mensem, on a pro-rata basis for five hours per day, was under consideration of the Department. The same was apparently not finalised due to the filing of this O.A., and its pendency.

Under the circumstances, as revealed in the preceding paras, it would be adequate to direct the respondents to examine the claim of the applicant for arrears of wages on prorata basis with retrospective effect from the date of her initial engagement, and to take a final decision in the matter within sixty days from the date of receipt of a copy of this order.

21/10

Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.)

Heard Mr. C. Suryanarayana for the applicant and Mr. M.C. Jacob for Mr. B. Narasimha Sharma for the respondents.

1. It is stated that Sri B. Narasimha Sharma has filed ^{MA} vakalatnama in this/for the respondents. The order given in this Tribunal in OA.1449/94 dated 23-12-79 reads as follows:

"Such arrears as she may be found entitled to shall be disbursed to the applicant within 30 days after the communication of their decision. The respondents, while examining the case of the applicant for pro-rata wages, shall keep in view the judgement of the Hon'ble Supreme Court in AIR 1987 SC 2342 (supra).

As regards the applicant's prayer for appointment on compassionate grounds as a full-time casual mazdoor, the same may be considered as per extant rules and her eligibility. This shall be done within ninety days of the receipt of a copy of this order."

2. It is ~~not~~ been paid arrears of the wages to the extent of Rs.22,322 (Annex.MR.R-2) and the case of the applicant for appointment under compassionate grounds has been rejected.

3. In view of the above it has to be held that applicant has been paid arrears upto the date it was prayed for.

4. The learned counsel for the applicant submits that for the periods she had worked subsequently was not paid to her as per the Government order. The applicant should immediately submit a representation and that representation should be

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AT HYDERABAD

MA.104/99 in OA.1449/94

dt.6-8-99

Between

M. Laxkmi

: Applicant

and

1. Sub Divnl. Officer
Phones(North)
Musheerabad
Hyderabad 20

2. Divnl. Engr.(Phones)
Musheerabad
Hyderabad 20

3. General Manager
Hyderabad Telecom Dist.
(reptg. Union of India)
Suryalok Complex,
Hyderabad

: Respondents

Counsel for the applicant

: C. Suryanarayana
Advocate

Counsel for the respondents

: B.Narasimha Sharma
CGSC

Coram

Hon. Mr. Justice D.H. Nasir, Vice Chairman

Hon. Mr. R. Rangarajan, Member (Admn.)

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