

(29)

AD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO. 752 of 1995.

Between

Dated: 15.12.1995.

S.Ganapathamma

...

Applicant

And

1. Flag Officer Commanding-in-Chief, Eastern Naval Command,
Naval Base, Visakhapatnam.
2. Admiral Superintendent, Naval Dock Yard, Visakhapatnam.

...

Respondents

Counsel for the Applicant : Sri. S.Kishore

Counsel for the Respondents : Sri.N.V.R.Reddy, Addl. CGSC.

CORAM:

Hon'ble Mr. ~~XXXXXXX~~ R.Rangarajan, Administrative
Member.

Contd:...2/-

O.A.No.752/95.Date: 15.12.95.J U D G M E N T

{ as per Hon'ble Sri R.Rangarajan, Member(Admn.) }

The applicant herein is widow of late Sri Yerri Naidu who worked as Casual Labourer, Unskilled with effect from 3.4.1979 under the respondent organisation. While serving so, he expired on 19.3.1985 after having served as Unskilled Labourer on casual basis for about 6 years. The deceased employee left behind him at the time of his death, his mother, wife (the applicant herein) and a son aged 2 years. The applicant herein received a sum of Rs.10,320/- on account of Insurance Scheme. The applicant thereafter was engaged as narrickarated casual labour in spells on humanitarian grounds.

2. In the meantime, she also applied for compassionate ground appointment for her by her representation dated 27.3.1985. Though, the above said application was processed and the Mandal Revenue Officer was asked for certain details regarding the family compensation etc. by the respondents by letter dt. 11.7.1986 (Annexure A-3), no further action was taken to employ her on compassionate grounds.

3. This OA is filed for a direction to the respondents to provide her a suitable post on compassionate grounds considering her qualification, eligibility and thereby regularise her services in accordance with law.

4. The respondents state that the Ministry of Defence had issued instructions vide letter No.CP(SC)6670 dated 27.10.1993 not to consider any request seeking employment assistance for dependants of the deceased casual employee.

Hence, she was not reengaged for casual employment. Further, the respondents also state that as the husband of the applicant had expired way back in 1985 her request for compassionate ground appointment is belated and cannot be considered after a lapse of over a decade.

5. It is a fact that she was engaged only as an Unskilled Casual Labourer on casual basis on humanitarian grounds. Having engaged her on casual basis on humanitarian grounds to disengage her when there is work and not considering her for future engagement on casual basis will mean undue hardship to her. Further, she has a minor child and her old mother-in-law to look after. Considering the above circumstances, I am of the opinion that she can be engaged on casual basis if there is work in preference to freshers from open market if she is otherwise suitable for such engagement. But such casual engagement will not give her any right for considering her either for temporary status or regularisation. Granting her temporary status and regularisation has to be considered on the basis of extant rules. Her request for compassionate ground appointment also depends on extant rules. In the result, the following direction is given:-

The applicant shall be engaged as a Casual Labour as and when there is work in preference to freshers from the open market. But her re-engagement in pursuance of this direction should not result in retrenchment of any casual labour already in service. She has to be granted temporary status/regularisation in her turn in accordance

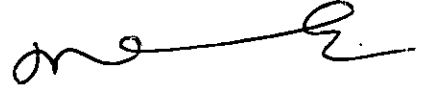
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with law.

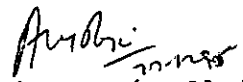
6. The O.A. is ordered accordingly. No costs.



(R.Rangarajan)
Member (Admn.)

Dated 15th December, 1995.
Dictated in open court.

Grh.



Deputy Registrar (Judl.)

Copy to:-

1. Flag Officer Commanding-in-Chief, Eastern Naval Command, Naval Base, Visakhapatnam-14.
2. Admiral Superintendent, Naval Dockyard, Visakhapatnam-14.
3. One copy to Sri. S.Kishore, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

DA-752/95

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COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

R.R. Rajan

HON'BLE SHRI ~~A.B. SORTHY~~ : MEMBER(A)

~~HON'BLE SHRI~~

DATED: 15/12/95

ORDER/JUDGMENT

M.A.NO./R.A./C.A.NO.

IN

O.A.NO.

752/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

* * *

No Spare Copy

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