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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

O.A.NO. 897 of 1995.

Between

Dated: 15.12.1995.

G.Yerakamma

...

Applicant

And

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

...

Respondents

Counsel for the Applicant : Sri. S.Kishore

Counsel for the Respondents : Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

X Judgement as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

* * *

The applicant herein is the widow of one Sri O.Appa Rao who was engaged as a casual unskilled labour on 3.4.79 and expired on 18.3.88. Thus he had put in 10 years of casual service. At the time of his death the deceased employee had left behind him his wife (the applicant herein) one daughter and three sons (all minors). She received a sum of Rs.38,357/- as terminal benefits of her late husband and was getting a sum of Rs.515/- plus relief towards monthly pension.

2. She represented by her representation dated 31.7.91, 27.11.91 and 23.1.92 for employment assistance. Though it was initially rejected as her husband was only a casual labour at the time death, details were asked for civil verification from the Mandal Revenue Officer in response to her application dated January 1992. The family composition was ^{not} verified by the Mandal Revenue Officer. In the meantime she was employed as a nerrick rated unskilled labour from time to time.

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

4. There is no dispute in regard to the fact that the ex-employee was engaged only on casual basis. There is also no dispute in regard to family composition which the ex-employee left behind at the time of death and also the terminal benefits received by the applicant after the death of her husband. From the above details it is evident that

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Copy to:-

1. Flag Officer, Commanding in Chief, Eastern Naval Comm-
and, Naval Base, Visakhapatnam.
2. Superintendent, Naval Dockyard, Visakhapatnam.
3. One copy to Sri. S.Kishore, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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But it is stated for the respondents that employment assistance is not to be extended to the family wards of a deceased casual labour. In view of the above the applicant is not entitled for employment assistance.

5. There is no doubt that the wards of the casual labour is not entitled for appointment on compassionate grounds scheme. But the applicant was engaged on humanitarian ground as nerrick rated casual labour from time to time.

Hence he has a better footing to be considered for casual engagement in preference to freshers from open market if there is work but he has to wait for conferring on him the temporary status and regularisation in accordance with law.

6. In the result, the following direction is given:-
Respondent No2 should engage the applicant as casual labour if there is work in preference to freshers without retrenching any casual labour already in service. His case for temporary status/regularisation may be considered in accordance with law in due course.

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


(R. RANGARAJAN)
Member (Admn.)

Dated: 15th December, 1995

(Dictated in Open Court)

sd


Dy. Registrar (3)

com to -- 4/-

MA-897/45

TYPED BY
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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

R.R. Rajan

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

~~HON'BLE SHRI~~

DATED: 13/12/45

ORDER/JUDGMENT

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

IN

O.A. NO.

897/45

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS

* * *

(6)

No Spare Copy

