

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

O.A.NO. 899 of 1995.

Between

Dated: 15.12.1995.

G.Narasinga Rao

...

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.Rangarejan, Administrative Member

Contd:...2/-

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O.A.No.899/95.

-2-

Date: 15.12.95.

J U D G M E N T

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

Heard Sri S.Kishore, learned counsel for the applicant and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. The applicant herein is the son of late Sri G. Ammulu who was engaged as unskilled casual labour with effect from 4.3.1985. He expired on 12.6.1991 after putting a casual service of over six years. At the time of his death he left behind him his wife, 3 sons (applicant is one of the 3 sons) and one daughter. The widow of the deceased received a sum of Rs.45,549/- as terminal benefits and a sum of Rs.375/- plus relief was granted to her as monthly pension.

3. The widow of the ex-employee applied for employment assistance for the applicant herein by her representations dt. 10.7.1991, 18.7.1991 and 5.8.1991. It is stated that the family composition and the status of the family was got verified from the Mandal Revenue Officer.

4. In the meantime the applicant herein was provided with casual labour employment as narrickrated casual labour on humanitarian grounds without any assurance that he would be considered for employment assistance on compassionate grounds. When the matter stood thus, letter No.CP(SC)6670 dt. 27.10.1993 ~~received~~ from the Ministry of Defence was received for terminating the services of the casual employees. His casual services were terminated and he was not re-engaged after that.

..3/-



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5. This OA is filed for a direction to the respondents to provide him employment on compassionate grounds considering his qualifications and eligibility and thereby regularise his services in accordance with law.

6. The fact that granting of terminal benefits and family pension to the wife of the deceased was not disputed. The family composition was also verified by the M.R.O. It is a fact that the deceased employee is left behind him a large family consisting of his wife, 3 sons and a daughter. To maintain such a big family the family pension received by the wife of the deceased may not be sufficient. However, wards of a casual labour is not entitled for compassionate ground appointment if the casual labour dies in harness.

7. Considering the fact that only a meagre sum was given to the wife of the deceased as final terminal benefits, and as she has large family to maintain, the respondents themselves have given casual employment to the applicant herein on humanitarian grounds. Hence, it is justifiable if he is continued as a narrickrated casual labour in future if there is work in preference to outsiders from the open market. Of course the question of granting him temporary status and regularisation may have to be considered in accordance with law and no out of turn consideration can be given to the applicant if he is engaged as casual labour.

..4/-

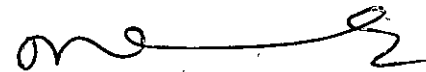
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8. In the result, the following direction is given:-

R-2 should engage the applicant herein as a narrickrated casual labour if there is work in preference to freshers from the open market without retrenching any of the casual labourers who are already in service. The applicant has to be considered for temporary status/regularisation only in accordance with law.

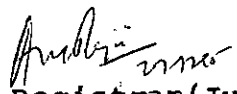
9. The OA is ordered accordingly. No costs.



(R.Rangarajan)
Member (Admn.)

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

Grh/Sd.


Deputy Registrar (Judl.)

Copy to:-

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

MA 399/95

TYPED BY
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

R.R. Rajan.

HON'BLE SHRI A.B. GORTHY : MEMBER(A)

~~HON'BLE SHRI~~

DATED:

15/12/95

ORDER/JUDGMENT

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

IN

O.A.NO.

399/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

* * *

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

भेद्यो/DESPATCH

15 JAN 1996

हैदराबाद बेंच
HYDERABAD BENCH