

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.576/99

Date of Order : 20.4.99

BETWEEN :

Smt. Kistam Koteswaramma

.. Applicant.

AND

1. The General Manager,  
Rail Nilayam, Secunderabad.2. The Divisional Railway Manager,  
Vijayawada Division, Vijayawada.

.. Respondents.

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Counsel for the Applicant

. Mr.S.Ramakrishna Rao

Counsel for the Respondents

.. Mr.K.Siva Reddy

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CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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O R D E R

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

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Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.K.Siva Reddy, learned standing counsel for the respondents.

2. The husband of the applicant in this OA was initially engaged as casual labour on 16.6.68 and later on he was granted A.P.Scale temporary status on 10.10.85. While he was working as A.P.Scale Khalasi under IOW, S.C.Railway, Guntur he died in harness on 20.5.88. <sup>The</sup> He states that her husband

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had put in 20 years of service as casual labour. At the time of his death he was drawing the pay of Rs.798 + Rs.12/- as personal pay w.e.f. 1.2.88 in the scale of pay of Rs.750-940.

3. The applicant herein submits that she could not become eligible for pension as ~~her~~ <sup>her</sup> late husband was not absorbed in permanent post and was working as A.P. Scale with temporary status. She further submits that had her husband was alive he could have retired on 12.5.2008 on attaining the age of superannuation. His premature death on 20.5.88 had ~~sneaked~~ snatched away the bread winner and the family is in indigent circumstances. The husband of the applicant had left behind him his wife (the applicant herein) and 2 daughters. Both the daughters though married are not <sup>then</sup> looked after by ~~her~~ husband. The applicant pleads that compassionate ground appointment can be given even to those on casual status in case of the death of the casual labour. Railway Board She relies on the letter No. E (NG) 1-84/CL/28 of 4.5.84, 13.12.86 to substantiate her case.

4. This OA is filed praying for a direction to the respondents to provide compassionate ground appointment to the applicant duly engaging her as casual labour/on fresh phase/fresh engagement on daily rated wages in view of the indigent circumstances in which she was driven due to untimely death of her husband who was working as A.P. time scale

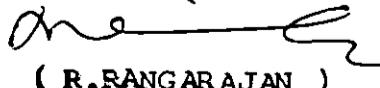
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temporary status casual labour, keeping in view the extant instructions of the Railway Board with all consequential benefits.

5. The applicant showed some letters of the Railway Board in this connection. I have perused those letters. Those letters are of no assistance to the applicant herein to get the compassionate ground appointment. Those letters state that compassionate ground appointment can be given if a temporary status casual labour dies due to accident on duty and not on any other circumstances. In the present case the applicant died due to natural causes while he was working as A.P.Scale temporary status casual labour. Hence the applicant cannot demand as a matter of right to provide her appointment as casual labour on compassionate grounds.

10. However, I find that the applicant is a poor lady and her 2 daughters are not much of help to her. Hence the applicant is advised to approach the General Manager <sup>for</sup> showing some consideration for engaging her as casual labour. <sup>But</sup> <sup>on the</sup> discretion of the General Manager cannot be questioned as there are no rules as stated earlier for engaging her as casual labour.

11. In view of the above the OA is dismissed. <sup>with this observation in para 10</sup> No costs.

  
( R. RANGARAJAN )  
Member (Admn.)

Dated : 20th April, 1999  
(Dictated in Open Court)