

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER : 23.4.2002

OA No. 116/2001

Pista Devi wife of Late Shri Sannu Valmiki by caste Harijan, resident of Valmiki Mohalla, Behror, District Alwar (Rajasthan).

....Applicant.

VERSUS

1. Union of India through its Secretary, Ministry of Communications, Department of Posts, New Delhi.

2. Sr. Superintendent of Post Offices, Head Post Office, Alwar, Rajasthan.

3. Head Post Master, Head Post Office, Behror, District Alwar Rajasthan.

....Respondents.

None present for the applicant.

Mr. B.N. Sandu, Counsel for the respondents.

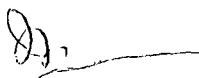
CORAM

Hon'ble Mr. Gopal Singh, Member (Administrative)

Hon'ble Mr. J.K. Kaushik, Member (Judicial)

ORDER

PER HON'BLE MR. J.K. KAUSHIK, MEMBER (JUDICIAL)



Smt. Pista Devi has filed this OA u/s 19 of the Administrative Tribunal's Act, 1985 praying that the respondents be directed to continue her services on full pay and provide her the regular pay scale of Sweeper with usual allowances including arrears.

2. The brief facts of the case are that the applicant is a widow of one Shri Sannu. Late Shri Sannu was working on the post of Sweeper with the respondents since 1982. He died on 22.6.1997 while in active service. The applicant was appointed in place of her husband. At the relevant time, husband was being paid 40% of the wages for the reasons that One Shri Raju happened to be appointed vice her husband during his absence on temporary basis and said Raju was being paid 60% of the wages. The said Shri Raju filed a Civil Suit before the learned Munsif, Behror and obtained the stay order which was continued upto 1998. Thereafter the case was disposed of for want of jurisdiction and he moved an OA No. 330/98 before this Tribunal and was again granted stay order. Thus Shri Raju was continued in service in the garb of stay order. For that reason, the claim of the applicant was turned down vide order dated 30.6.1997 and it was said that the matter regarding payment of 60% of wages i.e. for full duty and appointment will be considered only after the case in the court is finalised. The case was finalised on 29.7.1998 vide Annexure A/2 but still the respondents did not release the dues of the applicant. Hence this application.

3. Show cause notices were issued to the respondents for filing their reply and the respondents have filed the detailed reply to the OA. In the reply, they have taken the ground that the husband of the applicant ousted from work since his work was not satisfactory even after issue of repeated warnings, there was no improvement. Later on a written request was made by Shri Sannu and he was taken back on duty and was put on work on the remainig area, outside the office for sweeping the area. They have also mentioned that one Shri Raju, who was in fact put to work in place of the applicant, was ordered to be terminated but filed a Civil



Suit and obtained the stay order. The Civil Suit was disposed of for want of jurisdiction on dated 29.7.1998. Thereafter he filed an OA No. 330/98 before this Tribunal for quashing the order of termination and the respondents had no alternative except to continue both Shri Raju as well as the applicant. They have also stated that there is no permanent post and the work of sweeping was got done on contingent basis at Behror.

4. We have heard the case of Shri Raju in OA No. 330/98 and the same has been dismissed today, holding that Shri Raju had no right to hold the post and there was no illegality in terminating his services. In the present case, it has been averred by the respondents that husband of the applicant was a contingent paid Sweeper and he was not a regular employee and there is no provision of appointing dependent of the deceased contingent worker on compassionate grounds. The applicant was not appointed on compassionate grounds in place of her husband. She was only appointed to work against 40% contingent work. However, Annexure A/1. dat 30.6.1997 indicates that the case of the applicant for full duty and pay should be resolved only after the pending case (Shri Raju) is decided. Since the case of Shri Raju has been decided, the respdents can carry out the review of the matter.

5. In view of the aforesaid discussions, the OA is disposed of with a direction to the respondents to review the matter in the light of subsequent development in as much as the OA No. 330/98 filed by one Shri Raju has been rejected today and they may grant suitable relief to the applicant as per rules. No order as to costs.

J.K. KAUSHIK
(J.K. KAUSHIK)
MEMBER (J)

Gopal Singh
(GOPAL SINGH)
MEMBER (A)