

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01358/2018 &

Chandigarh, this the 11th day of February, 2019

...
**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

...
Anjalai, aged about 53 years, w/o late Shri Tari Karan, resident of # 6241, Maloya Colony, U.T. Chandigarh- 160025.

.....Applicant

(Present: Mr. Barjesh Mittal, Advocate)

Versus

1. Union Territory, Chandigarh Administration through its Secretary, Engineering Department, U.T. Civil Secretariat, Sector 9-D, Chandigarh - 160009.
2. Chief Engineer, Union Territory, Chandigarh Administration, U.T. Civil Secretariat, Sector 9, Chandigarh - 160009.
3. Deputy Commissioner, U.T. Chandigarh Administration, Estate Office Building, Sector 17, Chandigarh - 160017.
4. Estate Officer, U.T. Chandigarh, Estate Office Building, Sector 17, Chandigarh - 160017.

.....Respondents

(Present: Mr. Vinod Kumar Arya, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. Applicant, who is widow of deceased employee late Sh. Tari Karan, is before this Court for quashing of impugned order 08.10.2018(Annexure A-1), whereby the respondents have rejected her claim for family pension, on the ground that there are no rules/instructions available in that office for the grant of family pension to the casual labourers on daily wage basis.
2. Learned counsel for the applicant submitted that the Hon'ble Supreme Court in the case of **U.T. Chandigarh & Another Vs. Sampat & Others** (Civil Appeal No. 6779 of 2009 decided on

03.04.2014), has held the respondents therein, who were working on daily wage basis with the Chandigarh Administration, entitled for regularization of their services and consequential benefits arising there from. He submitted that since the deceased husband of the applicant herein, was similarly situated like the applicants in the case of Sampat Singh & Others (supra), therefore, this O.A. may be disposed of in terms of order passed in that case. He has also placed reliance upon a decision rendered by this Court in the case of **Sundram Vs. Union of India & Others** (O.A. No. 060/00267/2018) on 10.01.2019, wherein, based upon the decision of the Hon'ble Apex Court in the case of Sampat Singh (supra), a direction has been issued to the respondents to consider the claim of the applicant therein for his regularization and grant him consequential benefits as expeditiously as possible.

3. Mr. V.K.Arya, learned counsel for the respondents submitted that the applicant herein is a widow of the deceased employee and is seeking pension, therefore, this case is slightly different from the relied upon case. He also raised objection of delay in filing the O.A.

4. We have heard learned counsel for the parties.

5. Considering that the matter relates to family pension, delay occurred in filing the O.A. is condoned. The ground raised by the respondents with regard of distinction of the case from the relied upon is possibly not available to the respondents as the applicant herein has prayed firstly for regularization of services of her deceased husband and grant her consequential benefits including pension.

6. Apparently, there was no rule or instructions from the department to grant regularization to the daily wages employee, but it was only after the decision of the Hon'ble Supreme Court that the daily wages casual labourer appointed in the year 1994 were allowed the benefit of regularization. Though the judgment was in rem and the decision was to grant the benefit to those who were appointed in the year 1994, but the respondents restricted the relevant benefits only to those employees who approached the Court of law. Therefore, it does not lie in the mouth of the respondents to raise the objection of delay to deny the relevant benefits to the similarly situated persons despite the directions of the Hon'ble Apex Court in the relevant behalf.

7. Considering that the deceased husband of the applicant is similarly situated like the litigants in the case of Sampat Singh & Others (supra), this O.A. is allowed with a direction to the respondents to consider her deceased husband's case for deemed regularization and grant all the consequential benefits including family pension to her, within three months, otherwise a reasoned and speaking order be passed. The respondents are, however, burdened with cost of Rs.10,000/-, for not considering the case of similarly situated employees for grant of similar benefits allowed by the Hon'ble Supreme Court, forcing the family of poor labourer to approach the Court for similar benefits.

(P. GOPINATH)
MEMBER (A)

'mw'

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 12.02.2019