

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

Original Application No.020/0066/2017

Date of C.A.V. : 17.07.2018

Date of Order : 27.12.2018

Between :

Y.Veerabhadravani,
W/o Late Krishna Arjuna Rao, aged 32 years,
R/o H.No.3-393/3,
Spinning Mills Colony, Lalacheruvu,
Rajahmundry, East Godavari District – 533 106.

... Applicant

And

1. The Union of India,
Ministry of Personnel, Public Grievance & Pensions,
Department of Personnel & Training,
North Block, New Delhi,
Rep. by its Secretary.

2. The Union of India,
Agriculture Research & Education,
Ministry of Agriculture and Farmers Welfare,
Krishi Bhavan, New Delhi,
Rep. by its Secretary.

3. Indian Council of Agricultural Research,
Krishi Bhavan, Dr.Rajendra Prasad Road,
New Delhi – 110 001,
Rep. by its Secretary.

4. Indian Council of Agricultural Research,
Krishi Bhavan, Dr.Rajendra Prasad Road,
New Delhi – 110 001,
Rep. by its Director General.

5. ICAR – Central Tobacco Research Institute,
Bhaskar Nagar, Rajahmundry – 533 105,
East Godavari District, Andhra Pradesh,
Rep. by its Director. ... Respondents

Counsel for the Applicant ... Mrs.K.Udayasri, Advocate
Counsel for the Respondents ... Mr.V.Vinod Kumar, Sr.CGSC for R-1 & R-2
Mrs.C.Vani Reddy, S.C. for R-3 to R-5

CORAM:

Hon'ble Mr.Justice R.Kantha Rao ... Member (Judl.)

ORDER

{ As per Hon'ble Mr. Justice R.Kantha Rao, Member (Judl.) }

The applicant is the widow of one Sri Y.Krishna Arjuna Rao who was engaged as casual labourer in 5th respondent organization on 08.11.1983. After completion of 10 years of service as casual labourer he was conferred temporary status in 1993. While so, he suffered a massive heart attack and died on 04.01.2010 while in service. After his death the applicant submitted representations to the respondents to consider her case for compassionate appointment on the ground that she was depending on the deceased employee who died in harness. The representations submitted by the applicant were rejected on the ground that her husband cannot be considered to be a public servant working on regular basis and therefore she is not entitled for compassionate appointment on account of his death. The applicant filed the present OA seeking to set aside the proceedings dated 17.02.2016 and 02.08.2016 issued by the 3rd and 4th respondents on the ground that they are illegal and arbitrary and consequently direct the respondents to provide employment to her on compassionate grounds in terms of the orders in OA.290/2003 dated

31.05.2004 and OA.303/1999 dated 09.12.2000 on the file of Central Administrative Tribunal, Jodhpur Bench, Jodhpur.

2. The respondents opposed the relief sought for by the applicant contending that the instructions / guidelines for compassionate appointment issued by the Government of India are applicable to the regular / permanent government employees only and not to the persons working on temporary status casual labourers. Their contention is that the orders quoted by the applicant are not based on the scheme but only on sympathetic grounds and those orders do not lay down any precedent. According to the respondents the applicant has no right to seek compassionate appointment as the applicant's husband was only a casual worker on whom the temporary status was conferred.

3. I have heard Sri P.Sudheer Rao representing Smt.K.Udayasri, learned counsel for the applicant and Sri V.Vinod Kumar, learned Sr.CGSC for Respondent No.1 and 2 and Smt.C.Vani Reddy, learned standing counsel for Respondents 3 to 5.

4. It has been contended on behalf of the applicant that since the temporary status has been conferred on the husband of the applicant and he became entitled for all the terminal benefits on par with a regular employee, the applicant can seek appointment on compassionate grounds on account of the death of the deceased employee in harness. On the other hand it has been

contended on behalf of the respondents that since the applicant's husband was a temporary employee his wife who is the applicant herein is not entitled for appointment on compassionate grounds.

5. Reliance has been placed by the learned counsel appearing on behalf of the applicant on Meema Devi Vs. Indian Council of Agricultural Research, through its Director, New Delhi and another (O.A.No.303/1999 dated 08.12.2000 before the C.A.T., Jodhpur Bench, Jodhpur) which has been followed by the same Bench in the case of Smt.Santosh Vs. Indian Council of Agricultural Research, through its Director General, Krishi Bhavan, New Delhi in OA.290/2003, dated 31.05.2004. In the case of Meema Devi it has been held by the Jodhpur Bench of the Tribunal that the applicant therein who was aged 19 years was entitled for compassionate appointment on account of the death of her husband who is a casual worker on whom temporary status was confirmed. Perusal of the decision does not show that any ratio has been laid down in the said issue.

6. To decide the issue involved in the instant case it is necessary to look into the ratio laid down by the Hon'ble Supreme Court in the following judgements :

(I) AIR 1996 SC 2124

(State of Manipur Vs.Thingujam Brojen Meetei)

(II) AIR 1996 SC 2445

(State of Haryana and others Vs.Rani Devi)

(III) AIR 2009 SC 3121

(Uttarakhand Jal Sansthan & Ors. Vs. Kishore Chandra Pandey)

7. In these decisions the Hon'ble Supreme Court has taken a consistent view that the confirmed work charged employee or a confirmed casual labourer cannot be equated to a regular Government employee / servant. According to the Hon'ble Supreme Court conferment of temporary status may enable the employee to get certain benefits on par with regular employees, but unless his services are regularized he cannot be considered on par with a regular Government servant. The Hon'ble Supreme Court expressed the view that if the scheme regarding appointment on compassionate ground is extended to all sorts of casual, adhoc employees including those who are working as apprentices, then such scheme cannot be justified on constitutional grounds. The Hon'ble Supreme Court further clarified that the expression "employee" does not conceive casual or purely adhoc employee or those who are working as apprentices.

8. In view of the law laid down by the Hon'ble Supreme Court, a casual employee on whom the temporary status was confirmed and expired while in service, his dependents cannot claim for compassionate appointment. Even if there are circulars issued by the department enabling such persons to claim compassionate appointment they being inconsistent with the Constitutional Scheme relating to public employment have no binding efficacy.

9. In the judgements relied upon by the learned counsel appearing for the applicant no ratio has been laid down and more over those orders are not in conformity with the law laid down by the Hon'ble Supreme Court on the subject Therefore, they are of no help to the applicant.

10. For the foregoing reasons, the applicant is not entitled for the relief prayed for. Consequently the OA is dismissed. There shall be no order as to costs.

(JUSTICE R.KANTHA RAO)
MEMBER (JUDL.)

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