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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10382/2015**

Date of Judgment : 4th November, 2015

UNION OF INDIA & ORS.

..... Petitioners

Through : Mr. Arun Bhardwaj, CGSC with
Mr. Rishi Kapoor and Ms. Gunjan
Bansal, Advocates for UOI.

versus

BABITA

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (ORAL)

CM APPL. No. 25986/2015 (Exemption)

1. Exemption allowed, subject to all just exception.
2. Application stands disposed of.

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3. Challenge in this writ petition is to the order dated 29.05.2015 passed by the Central Administrative Tribunal (CAT). The widow of a temporary employee of the petitioner, who had worked for 20 years died while in service. The widow of said employee made an application seeking compassionate appointment for her son. Since, her request was not acceded to, she approached the Tribunal. The Tribunal has allowed the OA. The operating part of the order reads as under:

“7. Therefore, on the grounds of humanity and great principles of our Constitution, I direct the respondents to

consider the case of the applicant for compassionate appointment within six months from the date of receipt of a copy of this order. The OA is accordingly disposed of. No costs.

4. Mr. Bhardwaj, learned counsel for the petitioner submits that learned Tribunal has exceeded its jurisdiction and has failed to take into account the fact that husband of the respondent herein was an employee with temporary status and thus the representation of his widow cannot be considered for compassionate appointment for her son.
5. We find that the submission made by learned counsel for the petitioner is without any force for the reason that the husband of the respondent was employed on the basis of an office order dated 24.12.1992. As per this order, casual employees were given a status of temporary employee based on the judgment rendered by Hon'ble Supreme Court of India. The workers who had rendered three years of continuous service were to be treated at par with Temporary Group-D Employees of the department and would thus also be entitled to such benefits as such admissible to the Group-D employees on regular basis. The following benefits were made available to Temporary Group-D Employees as per the OM :
 - a) All kinds of leave admissible to temporary employees.
 - b) Holidays as admissible to regular employees.
 - c) Counting of service for the purpose of pension and terminal benefits as in the case of temporary employees appointed on regular basis for those temporary status and who complete three years of service in that status while

granting them pension and retirement benefits after their regularization.

d) Central Government Employee Insurance Scheme.

e) G.P.F.

f) Medical Aid.

g) L.T.C.

h) All advances admissible to temporary Group – Employees.

i) Bonus

6. Reading of this OM would show that main aim and objective was to grant various benefits including holidays as admissible to regular employees, leaves as admissible to temporary employees, counting of the services for the purpose of pension, terminal benefits, Central Government Employees Insurance Scheme, G.P.F., Medical Aid, L.T.C. etc.
7. A complete reading of this OM would show that there was no intention on the part of the petitioner to deprive this section of employee who has put in three years of continuous work. The aim and objective of granting compassionate employment to the family of the employee who die in harness so that their family do not live in poverty.
8. In the present case, the husband of the respondent has put in 20 years of continuous work. In our view, there is no infirmity in the order passed by the learned Tribunal. The petitioner will consider the request of the respondent in the light of the OM and grant compassionate employment to her son on the same terms and

conditions as was enjoyed by the husband of the respondent, within a period of four weeks.

9. The present writ petition is accordingly disposed of.

CM APPL. No. 25985/2015 (Stay)

10. In view of the order passed in the writ petition, the present application is rendered infructuous.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

NOVEMBER 04, 2015

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