

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 3267/2001

This the 4th day of April, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Km. Rakhi  
D/o late Sh. Kalyan Singh  
R/o Qtr. No.397/D,  
Grain Shop Colony,  
Tundla,  
Distt. Firozabad (UP).

Presently residing at  
WZ-233A, Sadh Nagar,  
Gali No.6, Palam,  
New Delhi-110045.  
(None).

.... Applicant

Versus

1. The General Manager,  
Northern Railway,  
Baroda House, New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
Allahabad. .... Respondents  
(By Advocate: Sh. Rajinder Khatter)

**ORDER (ORAL)**

By Sh. Kuldip Singh, Member (J)

None for the applicant despite repeated calls. So I am proceeding to decide this case ex parte under Rule 15 and 16 of the CAT (Procedure) Rules.

2. Heard learned counsel for the respondents. MA-728/2002 filed by the respondents for deleting Resp.1 from the array of parties is allowed.

3. The applicant claims an appointment on compassionate grounds against suitable posts with Resp. No.3 as the applicant has alleged that father of the applicant, namely, Sh. Kalyan Singh, who was working as a Welder with Head Quarter, Juhi under Carriage & Wagon department Northern




(U)

[ 2 ]

Railway, Juhi expired on 31.7.90 while in service. Applicant further claims that deceased Sh. Kalyan Singh has left behind applicant alone as a legal heir and at the time of the death of the deceased Sh. Kalyan Singh, she was of 9 years of age. The mother of the applicant had already expired during the life time of her father. Applicant has studied upto B.Sc. so on that ground she claims that she is entitled to be given a suitable appointment on compassionate grounds. The OA is being opposed by the respondents. Respondents contested that the applicant is not a legal heir of the deceased Sh. Kalyan Singh.

4. I have heard Sh. Rajinder Khatter appearing for the respondents.

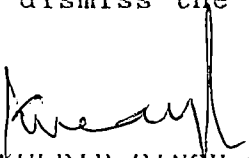
5. Respondents referred to the succession certificate issued by the Civil Judge (Senior Divisional) Ferozabad with regard to the estate left behind by the deceased Sh. Kalyan Singh. According to the succession certificate Smt. Mathura Devi and her daughter had been held to be legal heirs of the deceased. The applicant had filed an appeal also against the grant of succession certificate to Smt. Mathura Devi in respect of estate left behind by the deceased Sh. Kalyan Singh. The appeal was decided on 22.3.96 by the Learned Additional District Judge Ferozabad and in that appeal also found that Smt. Mathura Devi is the wife of deceased Sh. Kalyan Singh and Smt. Vimla Devi and Smt. Manorama are his daughters. The appeal of the applicant was dismissed.



(S)

[ 3 ]

6. I may also mention that after these pleadings were taken up by the respondents the applicant has not filed any rejoinder to controvert the pleas taken by the respondents. Moreover the judgments clearly show that the applicant is not a legal heir. As such I am of the considered opinion that the applicant is not entitled for compassionate appointment. So the OA is devoid of any merits and the same is liable to be dismissed. Accordingly, I hereby dismiss the OA. No costs.

  
( KULDIP SINGH )  
Member (J)

'sd'