

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O. A. NO. 2467/98

(6)

Hon'ble Shri Justice V. Rajagopala Reddy, Vice-Chairman (J)

New Delhi, this the 15th day of March, 2000

Shri Subhash Singh  
s/o late Sh. Sugar Singh  
r/o RB-1/D, Okhla Railway Colony  
New Delhi - 110 024. ... Applicant

(By Shri Umesh Singh, through Shri Yogesh Sharma, Advocate)

Vs.

The General Manager  
Northern Railway  
Baroda House  
New Delhi. .. Respondent

(By Shri O.P.Kshatriya, through Shri S.Mohd. Arif, Advocate)

O R D E R (Oral)

By Reddy. J.

None appears for the parties either in person or through their counsel, except the aforesaid proxy counsel to inform that the Advocates are abstaining from Court. Since it is an admitted case of 9998, I dispose of the OA, on the basis of the pleadings available on record even in the absence of the parties under Rule 15 of the CAT (Procedure) Rules, 1987.

2. This is an application for compassionate appointment to the applicant, who is the son of the second wife of the deceased employee.

3. The applicant submits that his father one Shri Sugar Singh had expired on 25.1.1997 while working in the Northern Railway, as Keyman. The applicant made an application for compassionate appointment on 25.6.1998 on the ground that he is one of the children of the deceased employee by Smt. Parmali Devi, his second wife. The applicant received a letter dated 24.11.1998 asking him to produce the succession certificate. It is the case of the applicant

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that he is entitled for compassionate appointment being  
the son of the deceased employee.

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4. The respondents filed the counter affidavit, wherein they had stated that the deceased railway employee had originally married one Smt. Kasturi Devi and with whom he had children. Thereafter, while Smt. Kasturi Devi was living, he appears to have married one Smt. Parmali Devi. According to the respondents, the applicant's father could not have married Smt. Parmali Devi while the first wife was living. It is also the case of the respondents that as both the wives had applied for the payment of the settlement dues of the deceased employee, they had asked them to obtain succession certificate from the Court for payment of the same.

5. I have perused the pleadings carefully. This is an admitted case of the applicant that he is the son of the second wife, Smt. Paramali Devi who was married by his father when the first wife was alive. The applicant's father being a Hindu, he could not have married second wife while his first wife was living without obtaining divorce from his first wife. It is not the case of the applicant that his father obtained the divorce before he married second wife. It is therefore not possible for the Railway department to consider the application of the applicant for compassionate appointment, unless and until the applicant produces the succession certificate in order to ascertain that the applicant is the lawful son of the deceased employee.

6. In the above circumstances, the action taken by the respondents is valid. Hence, I find no merit in the application, accordingly, it is dismissed. No costs.

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(V. RAJAGOPALA REDDY)  
Vice-Chairman(J)

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