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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH.

O A No. 2771/1997

New Delhi: Dated this the 24th day of August, 1998.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Smt. Jagwati Devi,
W/o Late Ravindra Kumar,
R/o Rly Qr. No. 98-D/2, Tughlakabad,
New Delhi Applicant.

(By Advocate: H.P. Chakravarti)

Versus

1. Union of India
through
The Chairman, Railway Board,
Principal Secretary to Govt. of India,
Ministry of Railway, Rail Bhawan,
New Delhi-01.
2. The General Manager,
Northern Railway, Baroda House,
New Delhi-01.
3. The Divisional Railway Manager,
Northern Railway,
New Delhi. Respondents.

(By Advocate: Shri B. S. Jain)

JUDGMENT

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant claims family pension and
retiral dues allegedly admissible to her late husband
who expired on 3.4.97 as well as compassionate
appointment to her son Mool Chand.

2. I have heard applicant's counsel
Shri Chakravarty and respondents' counsel
Shri Jain.

3. R-1 to respondents' reply is a photocopy
of order dated 20.8.90 removing Shri Mool Chand
from service with immediate effect. Applicant's
counsel has not shown me any order setting aside,
staying or modifying the aforesaid order dated
20.8.90 which has become final and hence respondents

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have correctly pointed out that applicant is not entitled to the grant of retiral benefits. gmt.

Laxmi Devi's case (OS No.986/92 decided on 17.12.93) cited by Shri Chakrawarty has no relevance because in that case her husband Shri S.L. Halkoo could not participate in the DE held against him of his appeal against the Disc. authority's removal order in time being terminally ill, which is not the case here.

4. As regards grant of compassionate appointment to applicant's son , that constitutes an entirely separate cause of action, not consequential to the claim for retiral benefits and is hit by Rule 10 CAT (Procedure) Rules.

5. The OA is therefore dismissed. No costs.

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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