

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.516/2020 with MA No.473/2020

This the 07th day of January, 2021

**Corman : Hon'ble Shri J.V.Bhairavia, Member (J)
Hon'ble Shri A.K.Dubey, Member (A)**

Smt. Divyaben R. Mistry
W/o. Rakesh Mistry
Aged : 28 years,
R/o. 81, Mahadev Nagar, B/h. Makarpura Depot,
Nr. P.M. Yadav School, Makarpura,
Vadodara 390 010. Applicant
(By Advocate : Ms. S.S.Chaturvedi)

VERSUS

1. Union of India
Notice to be served through
General Manager
Western Railway, Churchgate,
Mumbai – 400 020.
2. Divisional Railway Manager (E)
Western Railway,
Pratapnagar, Baroda – 390 004. Respondents.
(Advocate : Shri M.J.Patel)

ORDER – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

In the instant OA, aggrieved by the impugned order dated 28.11.2019 (Annexure A-1) whereby the respondents had rejected the claim of the applicant for compassionate appointment mainly on the ground that applicant being the second wife of the deceased Railway employee, she cannot be treated as legally wedded wife. The applicant has placed on record, copy of Certificate of Registration of Marriage issued under the provisions of Gujarat Registration of

Marriages Act, 2006 by the Registrar of Marriage, Village – Dabka, Taluka-Padra, Vadodara (Annexure A-2). The counsel for the applicant submits that the respondents have recognized the applicant as lawful pensioner for family pension being widow of the deceased Railway employee. Therefore, the claim of the applicant deserves to be examined by the competent authority. However, the respondents have not re-considered the claim of the applicant. Hence, this OA.

2. Counsel for the applicant Ms. S.S.Chaturvedi further submits that in approaching this Tribunal, delay of one month had occurred. Therefore, in view of such delay, the application for condonation of delay bearing No.473/2020 has also been filed.

3. After arguing for some time, she submits that the applicant will be satisfied, if appropriate direction be issued to the respondents to reexamine the claim of the applicant within stipulated time and for such period, she will be right and willing to submit additional representation before the respondent No.2.

4. On receipt of the advance copy of the OA and on instruction from the respondent No.2, Standing counsel, Shri M.J.Patel appears and submits that there is no objection with regard to MA for condonation of delay. He further fairly submits that if the applicant submits additional representation, the same will be considered and reexamine the claim of the applicant by the respondents. Since the name of the applicant in the PPO dated 28.5. 2019 has been stated as

wife of the Rakeshbhai Mistry and she was recognized as eligible member of family in receiving family pension.

5. Considering the aforesaid submission and on perusal of the materials on record, we deemed it fit to condone the delay. Accordingly, MA No.473/2020 stands allowed. Undisputedly, the respondents had accepted and authorized in PPO the applicant as wife of late Shri Rakeshbhai Mistry, accordingly, PPO was issued in favour of the applicant on 28.5.2019. In the light of these factual matrixs, we dispose of this OA by granting liberty to the applicant to submit additional representation before the respondent No.2 for redressal of her grievance within 30 days from the date of receipt of a copy of this order and on receipt of the same, respondent No.2 will consider it in accordance with the existing rules, without influence of Annexure A-1 i.e. impugned order dated 28.11.2019, relating grounds of compassionate appointment within two months thereon and intimate the decision to the applicant. We make is clear that we have not expressed any opinion with respect to fulfillment of requirement of existing rules and policy relating to the grant of compassionate appointment.

6. In view of the above, the OA stands disposed of. No costs.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

nk