

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

**O.A. No.406/2020
M.A. No.678/2020**

Date of decision:01.02.2021

**Hon'ble Mr. Dinesh Sharma, Member (A)
Hon'ble Mrs. Hina P. Shah, Member (J)**

1. Smt. Manisha W/o Mahendra Singh Shekhawat D/o Yatishchand Sharma, aged about 42 years, R/o Gangauri Bazar, Phulera, Police Station Phulera, District Jaipur (Rajasthan) Mob.No.9950444565 Group-A.
2. Vicky @ Abhishek S/o Mahendra Singh Shekhawat, aged about 23 years, R/o Gangauri Bazar, Phulera, Police Station Phulera, District Jaipur (Rajasthan) Mob.No.9950444565 Group-A. ...Applicants.

(By Advocate: ShriDharmendra Joshi)

Versus

1. Union of India through General Manager, North Western Railway, H.Q. Officer, Near Jawahar Nagar, Jagatpura, Jaipur – 302029.
2. Divisional Railway Manager (D.R.M., R.T.I. Cell, Power House Road, Opposite Railway Station, Jaipur-302019.
3. Mahendra Singh Shekhawat S/o Shri Pabudan By caste Rajput R/o Assistant Station Master, North Western Railway, Phulera at present Posted D.R.M. Office, R.T.I. Department, Western Railway, Jaipur, R/o 22, Ganesh Nagar, Niwaru Road, Jhotwara, Jaipur-302011, District Jaipur (Rajasthan) Group-A.
4. KamleshKanwar W/o Mahendra Singh Shekhawat D/o Chimansingh aged 50 years By caste Rajput R/o 22, Ganesh Nagar, Niwaru Road, Jhotwara, Jaipur-302011, District Jaipur (Rajasthan) Group-A. ...Respondents.

(By Advocate: Shri M.K.Meena)

(2)

ORDER (ORAL)

Per: Dinesh Sharma, Member (A):

Heard the learned counsel for the applicants at the admission stage. In this OA, the applicants have prayed for the following reliefs:-

- "i) The humble applicant No.1 and her son may be added as nominee in service record of Res.3 Mahendra Singh.
- ii) As per the information Res. No.3 has filed Voluntary Retirement application then Res. No.1 and 2 may be directed to stay the proceeding not to accept his Voluntary Retirement till the disposal of this Original Application.
- iii) All the benefits of service - Pension, Gratuity, P.P.F./P.F., Insurance claim, Medical Claim/benefits, etc. be given to the humble applicant No.1 and her son.
- iv) Res.No.1 and 2 may be directed that 50% of the salary of the Res.No.3 be given to the humble applicant No.1 and her son.
- v) Any other appropriate order, which this Hon'ble Tribunal deems fit in favour of the applicant No.1 and her son, may also be passed."

2. The case was listed on 17.09.2020, 29.09.2020, 05.11.2020, 24.12.2020 and 01.02.2021. On all these occasions, we had asked the learned counsel for the applicants to show us any rules or any judicial pronouncements following which the directions sought by the applicants can be issued against the respondents. Despite having given ample opportunity, the applicants have not been able to show any rule under which we can mandate the respondents to nominate them as nominees of

(3)

Respondent No 3. It was accepted by the learned counsel for the applicants that despite applicants being members of the family of the respondents, the rules do not specifically mandate that any member of the family has to be compulsorily nominated.

3. Shri M.K.Meena, learned standing counsel, who appeared on behalf of the Railways on receipt of advance copy, also opposed issue of notice in a case like this which was essentially a domestic dispute and not a matter to be adjudicated by the Tribunal.

4. In the absence of any law (rule or judicial pronouncement) which mandates granting the applicants' request and also since the applicants have not challenged the vires of any rule for not mandating such nomination, we do not think that we can entertain an application to reliefs which we cannot grant under the relevant laws and rules. Since there is not even a *prima facie* case made out for grant of reliefs claimed under this OA, it is dismissed at the admission stage itself. No costs.

5. MA No.678/2020 for taking the documents on record is disposed of accordingly.

(Hina P. Shah)
Member (J)

(Dinesh Sharma)
Member (A)

/kdr/