

CENTRAL ADMINISTRATIVE TRIBUNAL**PATNA BENCH, PATNA**

OA/050/00390/2020

Date of Order :19.10.2020

C O R A M

HON'BLE MR. M.C.VERMA, JUDICIAL MEMBER
HON'BLE MR. SUNIL KUMAR SINHA, ADMINISTRATIVE MEMBER



Kumari Kishlay, wife of Late Baljeet Narayan Singh, Daughter of Raj Kumar Singh, resident of Mohalla-Gopalganj, Gaurakshani, P.S.-Sasaram Town, District-Rohtas-821115.

..... Applicant.

- By Advocate : Shri Ranvijay Narain Singh

-Versus-

1. The Union of India through General Manager, East Central Railway, Hajipur-844101.
2. The General Manager, East Central Railway, Hajipur-844101.
3. The Chief Personnel Officer, East Central Railway, Hajipur-844101.
4. The Divisional Railway Manager, East Central Railway, Mugalsarai-232101.
5. The Senior Divisional Commercial Manager, East Central Railway, Mugalsarai-232101.
6. The Senior Divisional Personnel Officer, East Central Railway, Mugalsarai-232101.
7. The Divisional Personnel Officer, East Central Railway, Mugalsarai-232101.

..... Respondents.

By Advocate :- Shri S.K. Raj.

ORDER [ORAL]

Per M.C.Verma, Member (Judl.):- Being aggrieved by order dated 19.11.2019 whereby the respondents have denied to consider the case of the applicant for compassionate appointment during pendency of Criminal Misc. Case No. 45407/2018 pending on the file of Hon'ble High Court, applicant who is the widow of deceased employee has preferred this OA.



2. Crux of the facts set out in the pleadings of the OA reveals that on 17.08.2017, husband of the applicant while was working in his office feel uneasy, colleague of him took him to a doctor and on advice of said doctor, he was took to Narayan Medical College & Hospital and during treatment, in the inside of hospital, he took last breath on 18.08.2007.

3. The applicant applied for compassionate appointment on 27.11.2018 and when she did not get any response, she applied under RTI Act and came to know that her mother in law allegedly has filed complain levelling allegation that she is a convicted and the respondents have instructed her mother-in-law namely Kamla Devi to supply details of the case. In such circumstances, applicant has preferred OA 1027/2019 before this Tribunal and on 07.11.2019, said OA was withdrawn with liberty to approach the concerned authority for redressal of her grievance. With

regard to letter dated 04.01.2019 (Annexure A/3) whereby she has informed that her mother-in-law has made complaint that she is a convicted. Applicant has pleaded further that thereafter, she has made detailed representation on 19.11.2019 explaining the facts that she was never convicted in any case nor there is any complaint of her mother-in-law. Much less, rather her father-in-law lodged a complain and said complain has since been dismissed by the Magistrate under Section 203 Cr. PC and against that dismissal of complaint, her father-in-law has approached the Hon'ble High Court which is still pending. Pursuant to that, respondents has passed the impugned order taking stand that till decision of Cr. Misc case, her representation would not be considered. Applicant has annexed in previous OA, entire proceeding sheet of complaint case lodged by his father-in-law as well as death certificate of her husband, order passed by the Tribunal in the previous OA and her representation made to the respondents etc.



4. The matter is at notice stage hearing. Learned counsel for the applicant urged that husband of the applicant died in harness while was discharging duty in his office. In spite of that her father-in-law with ulterior motive lodged complain case against the applicant and after examining the

witnesses and holding a deemed inquiry, the learned Magistrate pleased to dismissed the complain on 18.09.2018. The applicant is a poor widow of deceased employee and the respondents on this and that pretext are adopting evasive approach and not taking final decision about the compassionate appointment of the applicant. He referred the impugned order and urged that it is not a case where applicant was convicted and against which, appeal is preferred before the Hon'ble High Court but it is a case where a baseless case filed against the applicant and after dismissal of the same, the complainant approached before the Hon'ble High Court, hence this OA.



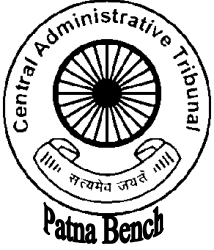
5. Advance copy of the OA has been served to the counsel for the respondents and Shri S.K. Raj has appeared for the respondents. He submits that an FIR has been registered against the applicant and, therefore, her case was not considered. Attention of learned counsel was drawn to the impugned order which is absolutely silent about any FIR and having only reason that Criminal case is pending on the file of Hon'ble High Court, the impugned order is reads as under :-

"In connection with above, it is seen that a criminal Misc. case no. 45407/2018 is pending before Hon'ble High Court/Patna against the state

of Bihar & others. In this case the order of acquittal passed by Judicial Magistrate (1st class) in case no. 581/2017 has been challenged by Sri Ram Pravesh Singh.

In view of above the competent authority has passed the order that let appeal of High Court be decided.

In such your case for appointment on compassionate ground will be considered after finalization of appeal pending before Hon'ble High Court/Patna."



6. Having taking note of submission, counsel for the applicant rebutted that no any FIR is pending against the applicant, the impugned order dated 19.11.2019 (Annexure A/7) is quashed herein at the notice stage. Respondents are directed to consider the case for compassionate appointment of the applicant taking note of relevant facts into consideration and to pass reasoned and speaking order within ten weeks.

7. The OA stands disposed of accordingly with no order as to costs.

[Sunil Kumar Sinha]
Member (A)

[M.C. Verma]
Member (J)

Pkl/

