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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

C.A.No.2324/91.

Date of decision: 26-02-1992.

Smt. Khumano etc.

...Applicants

Versus

Union of India etc.

...Respondents

COMMISSION:

THE HON'BLE MR. J.P. SHINHA, MEMBER (J).

Counsel:

Shri H.P.Chakravorti

...For the applicants

Shri M.L.Verma

...For the respondents

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?

JUDGMENT (ORAL)

The applicant, aged about 52 years, along with her son Brij Lal filed the application on the grievance of not being paid the terminal benefits which accrued to the person whose whereabouts remained unknown for a period of one year. In this connection, F.I.R. (at page 19, Annexure A-I) appears to have been lodged at Police Station Kotwali, Jhansi on 12-4-88 and a F.O. entry was made at the same station (Annexure A-II). It is stated by the applicants in the application that Shri Ram Dass Summer was employed with respondent No.3 as a Peon in D.R.M. Office in Jhansi.

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Since on 13-8-37 ^{Kam Dass Summer} had remained untraced till today. It is also stated that the respondents also confirmed this fact from the Medical authorities of Railways vide letter dated 9-9-87(Annexure A-IV). The applicant is survived by his wife, 2 daughters and one son and applicant no.1 is the wife of said Railway employee, Shri Kam Dass Summer. In this application, she has claimed the relief of terminal benefits due to her husband, besides the compassionate appointment of the eldest son, Brij Lal.

2. The counter is not available on record. Though learned counsel for the respondents has given the filing number.1020, ⁱⁿ has been filed/the Registry, on 31-1-1992. Though the respondents have taken Preliminary Objection stating in the counter that the application is barred by Section 20 and 21 of the Administrative Tribunals Act. However, it is stated on merit that applicant no.1 has not applied to the respondents for compassionate appointment of her son till 17-7-1991. It is further stated that as per Railway Board circular No.F(E)III/86/PN-1/17 dated 19-9-86, a report with the concerned police about the disappearance of the railway employee should be filed

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and a copy of the same should be annexed to the application sent to the department. The maximum period given for applying to the department is one year. The compassionate appointment is offered till the settlement of dues are paid.

3. The counter could ^{not} be traced from the Registry so, another copy has been taken on record given by the learned counsel for the applicant and duly authenticated under the signatures of the learned counsel for the respondents. This will form part of the record.

4. Having considered the contentions of the parties, the application can be disposed of in the following manner : -

(i) As per the Railway circular quoted above dated 9-9-86, the applicant no.1 has to apply to the respondent no.3, the Divisional Railway Manager, Central Railway, Jhansi for the grant of terminal benefits due to her husband Shri Ram Dass Summer who was employed as Teon in the D.R.M. Office, along with a duly certified copy of the report of the FIR and other particulars which are required under the relevant circular of the Railway Board.

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(ii) The applicant no.1 will also complete all the formalities for his eldest son for compassionate appointment //as also formalities which are required to be gone into for grant of retirement benefits or family pension, as the case may be, which accrued to the legal representative of such railway employee after his death or civil death.

(iii) The respondents are directed to dispose of the matter preferably within a period of 3 months from the date of the receipt of the application and if the applicants are still aggrieved, then applicant may come to the Tribunal for redress of her grievance.

In the circumstances, the parties to bear their own costs.

Sharma
(J.P. SHARMA)
MEMBER (J)
26.2.92