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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P No.314/94 in OA No.2860/91

NEW DELHI THIS THE 4TH DAY OF JANUARY, 1995.

MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
MR.B.N.DHOUNDIYAL, MEMBER(A)

Smt.Manorama Devi
W/o late Sh.Sadhu Ram Kathuria
R/o N-46, West Patel Nagar
New Delhi ... PETITIONER

BY ADVOCATE MS.SHASHI KIRAN WITH
MS.ANITA GUPTA, ADVOCATE.

Vs.

1. Shri Masihuzzaman
General Manager
Northern Railway
New Delhi.
2. Ms.Sandhya Deep Das
Sr.Divisional Accounts Officer,
DRM Office, State Entry Road
New Delhi. ... RESPONDENTS

BY ADVOCATE SHRI R.L.DHAWAN.

ORDER(ORAL)

JUSTICE S.K.DHAON:

The complaint in this petition is that the representation dated 6.1.1990 has not been disposed of by the respondents in obedience of the direction given by this Tribunal on 9.4.1992.

2. It appears that when the contempt petition was presented, the representation, in fact, had not been disposed of. However, now we have before us, a communication dated 12/14.12.1994 of the Senior Divisional Accounts Officer, Northern Railway, New Delhi to the petitioner (Mrs. Manorama Devi) according to which, the representation stands disposed of.

3. In the aforesaid communication, it is, inter-alia, recited that by a letter dated 15.11.1994, the petitioner was required to produce certain documents before the Senior Divisional Accounts Officer in support of her assertion that she was the widow of Shri Sadhu Ram Kathuria.

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4. A perusal of the aforesaid communication dated 15.11.1994(Annexure-3 to the counter-affidavit) indicates that the documents which the petitioner was required to produce for establishing the fact that he was the legally wedded wife of Shri Sadhu Ram Kathuria were not specified. Therefore, it can be argued on behalf of the petitioner and in fact it is argued that the petitioner was asked to grope in the dark. In fairness, the petitioner should have been informed of the exact description of the documents which the department required her to produce.

5. The learned counsel for the petitioner has stated at the Bar that the petitioner had submitted a number of documents except of course the succession certificate by registered post and the same were before the Senior Divisional Accounts Officer when he issued the aforesaid communication dated 12/14.12.1994.

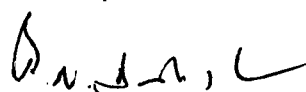
6. On a perusal of the aforesaid communication dated 12/14.12.1994, we are satisfied that the officer concerned did not make a genuine effort to pass a speaking order. We are, therefore, directing him to do so now. While doing so, he shall take into account all the documents which the petitioner allegedly sent by registered post. He shall again give a personal hearing to the petitioner and shall also give her another opportunity to produce all the documents which she desires to produce in support of her case. If this is done, the officer concerned shall examine the documents and record his finding and thereafter pass a speaking order if he comes to the conclusion that the case of the petitioner

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is not acceptable to him. The Senior Divisional Accounts Officer shall dispose of the matter within a period of 4 weeks from the date on which the petitioner appears before him under our orders. We direct the petitioner to appear before the Senior Divisional Accounts Officer Northern Railway, New Delhi on 10.1.1995 at 3.00 PM. On that day, the officer concerned shall fix a date for the appearance of the petitioner to be heard in person.

7. With these directions, this CP is disposed of finally. Notices issued to the respondents are discharged. There shall be no order as to costs.

8. A copy of this order be given to the counsel for the parties as soon as possible.


(B.N.DHOUNDIYAL)
MEMBER(A)


(S.K.DHAON)
VICE-CHAIRMAN

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