

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 7th day of September, 2000

Original Application No. 1336/1996

District : Ghazipur

CORAM :-

Hon'ble Mr. Rafiuddin, J.M.

Gujrati Devi widow of Late

Shri Mahangoo Ram,

R/o Village Tari Ghat, Post-Tari Ghat,

District-Ghazipur.

(Sri KK Yadav, Advocate)

..... Applicant

Versus

1. Union of India through the  
Secretary Railway, Rail Bhawan,  
New Delhi.

2. General Manager, N.E. Railways,  
Gorakhpur.

3. Divisional Railway Manager,  
N.E. Railway Sonpur (Samastipur)

(Sri VK Goel, Advocate)

..... Respondents

O R D E R (O\_r\_a\_l)

The applicant Smt. Gujrati Devi, who claims to be widow of one Sri Mahangoo Ram, son of Sri Sunder Ram, resident of Tarighat PS-Suhwal, district Ghazipur has filed this OA seeking a direction to the respondents to release provident fund, gratuity and other dues of her deceased husband, who expired on 14-2-1992 in his village Tari Ghat.

2. The applicant claims that her deceased husband was

Ry

appointed as Fitter Khalasi (Mechanical) on 1-3-1960, Bara Loco Shed, Sonepur, Samastipur. It is also claimed that on 16-2-1968, the departmental trade test was held for the purposes of promotion and the result thereof was declared on 6-9-1968 and the deceased husband of the applicant was declared successful. The promotion list was also published in which the husband of the applicant was posted at Bara Loco Shed, Sonepur, Samastipur on 12-8-1968. The applicant also claims that her husband was subscriber to provident fund. The applicant's husband died on 14-2-1992, in his residence and after the death of her husband, the applicant personally approached the Railway Authorities concerned for payment of the dues of her husband and for also appointment on compassionate ground. The applicant was also given assurance for benefit of settlement of dues and appointment on compassionate ground but neither any appointment was made nor any action was taken for appointment on compassionate ground. The applicant also made a representation to the Divisional Railway Manager, Sonepur, Samastipur, on 7-9-1973 but without any response. The applicant further made several representations but no action has been taken on her representations.

3. The respondents in the counter affidavit have stated that the representations of the applicant are not traceable in the office of Divisional Railway Manager, Sonepur, Samastipur. It has also been stated that the relevant record relating to the deceased employee are not traceable in the Office of the D.R.M. (Personnel), Sonepur and they have ~~explained~~ <sup>explained</sup> that in absence of relevant records, it is not possible to give a specific reply about the service conditions of her husband (deceased). It is also stated that the service

RJ

record of Late Mahangoo Ram is not available. Hence, genuineness of the claim of the applicant cannot be ascertained.

4. ~~Re~~ <sup>Heard</sup> Sri KK Yadav, counsel for the applicant and perused the record.

5. It is evident from the counter affidavit filed by the respondents that the representations submitted by the applicants are not traceable. Therefore, the respondents have shown their inability to ascertain the genuineness of the claim of the applicant. The applicant has, however, annexed copies of certain documents, namely, result of trade test held on 6-9-1968, seniority list dated 1-4-1964, copy of statement of provident fund for the year, 1962-63 and photocopy of the Railway Pass issued to the deceased which is for the date 7-7-1971 to 7-8-1977 by the N.E. Rly. Obviously, these documents have not been considered and scrutinised by the respondents. I, therefore, in the facts and circumstances of the case, find it desirable to direct the respondents to decide the claim of the applicant after considering the documents, (copies whereof have been annexed with this OA) and after giving personal hearing to the applicant, who will produce the original documents before the authorities concerned, for decision on the representation of the applicant. The respondents are, therefore, directed to summon the applicant for personal hearing within three months from the date of communication of this order and decide her claim after perusal of the documents submitted by the applicant and pass a reasoned order. Nor order as to costs.

*D. Dube*  
Member (J)