

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 18th day of May 1999.

Original Application no. 225 of 1998.

Hon'ble Mr. G. Ramakrishnan, Administrative Member.

Smt. Madhu Srivastava, alias Smt. Madhu Sahai, widow of Late Antim Sahai resident of 106 Kali Kutti city and District Jaunpur, at present residing at village Rampur post office Sadar District Jaunpur.

... Applicant.

C/A Shri R.P. Yadav
Shri H.N. Singh

Versus

1. Union of India through the Secretary, Ministry of Railways, Govt. of India, New Delhi.
2. Divisional Railway Manager, N.E. Rly., Gorakhpur.
3. General Manager, N.E. Rly., Gorakhpur.
4. Chief Workshop Manager, N.E. Rly., Gorakhpur.

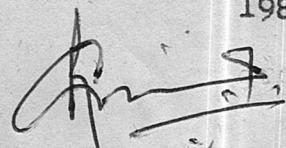
... Respondents.

C/R Shri K.P. Singh.

ORDER

Hon'ble Mr. G. Ramakrishnan, Member-A.

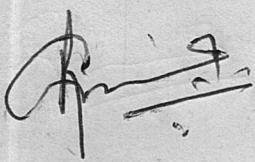
This O.A. has been filed by the applicant under section 19 of the Administrative Tribunals Act, 1985, seeking relief of appointment on compassionate



ground under the respondents on the death of her husband late Shri Antim Sahai.

2. The applicant claimed that she was married to Shri Antim Sahai who was working in the Office of Deputy Chief Electrical Engineer/Workshop N.E. Railway, Gorakhpur, as a clerk. She stated that she was married on 26.05.96, went to her husband's house on 27.05.96, but her husband Shri Antim Sahai died on 28.05.96.

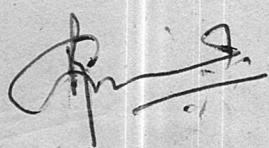
3. Learned counsel for the applicant submits that the respondents, inspite of the applications made by the applicant had not decided the case of the applicant and had advised her to produce succession certificate for which they have advised her the amount due to the applicant vide letter dated 03.09.97 (annexure 2) and letter dated 22.08.97 (annexure 3) and in these two letters the applicant had been addressed as 'widow of late Antim Sahai'. Learned counsel for the applicant further submits that according to the written statement filed by Smt. Gyan Wati Devi in the succession case no. 204 of 1997, Smt. Madhu Srivastava versus Smt. Gyan Wati Devi, enclosed as Annexure 1 to the RA in para 5 Smt. Gyan Wati Devi had stated that the marriage of Sri Antim Sahai (late) was held on 26.05.96 with the applicant. He also drew our attention to the inquiry report filed by Shri Ashok Singh, Senior Personnel Inspector, N.E. Rly., dated 28.10.96 filed as annexure 2 to the R.A., according to which Smt. Madhu Srivastava was married to late Sri Antim Sahai on 26.05.96. He also drew our attention to annexure 3 to the R.A. He submits that the case of the applicant regarding her



compassionate appointment may be decided without waiting for production of succession certificate, as according to him there is dispute between the applicant and mother of Shri Antim Sahai regarding property of Shri Antim Sahai and succession certificate may take time even though it is fixed in the Court on 19.05.99.

4. Learned counsel for the respondents submits that the department do not have any record to prove that Shri Antim Sahai was married and that the applicant is the widow of Shri Antim Sahai. Therefore, they have advised the applicant to produce succession certificate. He submits that the department will not hesitate in considering the case of appointment on compassionate ground of the applicant once it is established that the applicant is the legal heir of the employee and that for this reason the department had advised her to produce succession certificate.

5. After giving careful consideration of the rival pleadings as well as the submissions of the learned counsel for the parties and keeping in view the objective of the scheme of appointment on compassionate grounds, I dispose of this O.A. with a direction to the respondent no. 3 to consider and decide the case of the applicant regarding her claim for appointment on compassionate ground based on the evidence she had already submitted alongwith her earlier applications as well as any further evidence she may like to submit within 21 days from today. Respondent no. 3 will also have liberty to cause any inquiry in the



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matter to satisfy himself that the applicant is eligible for compassionate ground appointment according to the rules framed by the department. I direct that the above may be completed and the applicant advised of the decision taken by a reasoned order within a period of three months from the date of receipt of the copy of this order.

6. In the above circumstances no order as to costs.



Member-A

/pc/