

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 4th day of April 2003.

QUORUM : HON. MAJ. GEN. K.K. SRIVASTAVA, A.M.
HON. MRS. MEERA CHHIBBER, J.M.

O.A. No. 443 of 1998

Ganesh Rai S/O Late Shri R.C. Rai R/O Gram Karim Uddinpur, Post Office Karim Uddinpur, District Gazipur.

..... Applicant.

Counsel for applicant : Sri A.V. Srivastava.

Versus

1. Union of India through Post Master General, Allahabad.
2. Director, Postal Services, Allahabad.
3. Superintendent Post Office, Ghazipur.
4. Sub-Divisional Inspector (Post), Mohammadabad, Yusufpur, Ghazipur..... Respondents.

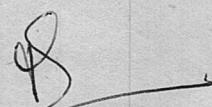
Counsel for respondents : Sri A. Sthalekar.

O R D E R (ORAL)

BY HON. MRS. MEERA CHHIBBER, J.M.

By this O.A., applicant has sought quashing of the order dated 2.3.1998 with the direction to treat the applicant as continuing in service with all consequential benefits of pay and salary from the date of said order. He has also sought a direction to the respondents to decide the representation dated 16.4.1998 submitted to the respondents and till such time not to make any regular appointment against the post on which applicant had been working.

2. Today when the matter came up for argument, counsel for the applicant informed us that initially the applicant had challenged the order by which he was put off duty but during the pendency of the O.A., the applicant had died on 11.3.2001. Accordingly his legally adopted daughter Smt. Kunti Devi Pandey had filed an application for being substituted in place of the applicant. Since the relief prayed for by



the applicant in this case was to quash the order of put off duty and after filing the O.A., the applicant had been charge-sheeted, therefore, the put off duty order cannot be quashed by the court as that would have ~~been~~ depended on the final outcome of the enquiry. It is unfortunate that before the enquiry could be concluded, the applicant expired. Therefore, even if the application filed by the adopted daughter is allowed, she cannot get any benefit as neither dead person can be put back on duty nor his daughter can be put back on duty. Therefore, this O.A. has become infructuous in view of the above facts. However, counsel for the applicant submitted that he is only praying that a direction be given to the respondents to release the monetary benefits in favour of applicant's daughter Smt. Kunti Devi Pandey. Since that relief is not within the scope of the ~~Tribunal~~ ^{O.A. B. positive B.}, no direction can be given in this regard. However, liberty can ~~only~~ be given to Smt. Kunti Devi Pandey to give her representation to the authorities concerned for ~~relief~~ ^{release B.} of any monetary benefits, which may be due after the death of the ^{original B.} applicant to his legal heirs. In case any such representation is made by Smt. Kunti Devi Pandey, respondents will be at liberty to examine the position in accordance with law because she claim to be the legally adopted daughter of the deceased employee Sri Ganesh Rai and in case they are satisfied ^{with her claim B.} we are sure that they shall pass appropriate orders within a reasonable period.

The O.A. is accordingly dismissed as having become infructuous. No order as to costs.


J.M.

Asthana/


A.M.