

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1297 of 1998

Allahabad this the 16th day of July, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Smt.Dulari Devi W/o Late Munshi R/o Phulia, P.S.,
Chandauli, Varanasi.

Applicant

By Advocates Shri S.K. Dey,
Shri S.K. Mishra

Versus

1. Union of India through the General Manager,
E. Rly. Calcutta.
2. The Divisional Railway Manager, E. Rly., Mughalsarai,
Distt. Varanasi.

Respondents

By Advocate Shri Avnish Tripathi.

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Smt.Dulari Devi has moved for a direction
to the respondents to consider her son for compassionate
appointment.

2. As per applicant's case, her husband named Munshi died on 19.02.77 while in service as Box Porter under Station Superintendent, Mughalsarai. At that time, her son was aged about six months. When approached at that time, the Station Superintendent, Mughalsarai assured to appoint her son when he attains the majority.

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She moved on 10/04/95 for appointment of her son but with no response. Thereafter she again reminded on 12.06.96 and 03.11.97, but without any result and, therefore, she has come up before the Tribunal for directions as above.

3. The respondents have contested the case, filed counter-reply with specific mention that neither there is any service record of deceased husband of the applicant nor any application or representation was received there. It has also been pleaded that now the matter is much beyond the period meant for the purpose, hence cannot be taken for consideration.

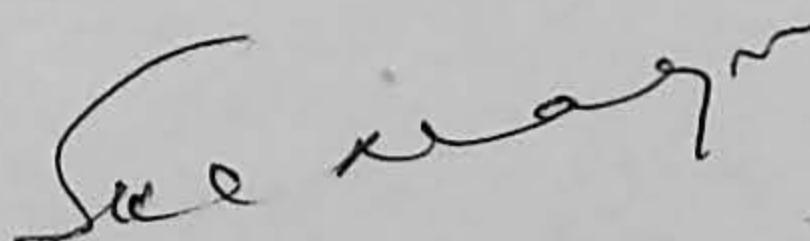
4. Heard Shri S.K. Dey, counsel for the applicant and Shri Avnish Tripathi, counsel for the respondents and perused the record.

5. First of all it is found relevant to be mentioned that even after attaining the age of majority the son of the applicant has not moved for being considered to be appointed nor there is anything to show that he is willing to accept any job under this head.

6. There is specific denial from the side of the respondents that no representation, application or reminder was received in the respondents office, as alleged by the applicant, but even at rejoinder stage the applicant has failed to bring on record any document to show that the representation or reminder was actually sent to the office of D.R.M, Mughalsarai.

7. The other relevant factor to be considered is that when the applicant's husband died he was posted at Mughalsarai, which was at that time within the Danapur Division and subsequently in the year 1978, there was bifurcation by creating a fresh new Mughalsarai division but the pension papers of the applicant were settled at Danapur, that goes to indicate that the service record of husband of the applicant must have remained at Danapur and, therefore, nothing was to be done at Mughalsarai. As pointed out by learned counsel for the respondents that after creation of new division or bifurcation of a division, the service record of those who died or retired or were no more in the service at the time of bifurcation of creation of new division, remained at the Headquarter of the division, as it stood before creation or bifurcation of the division.

8. Keeping in view the facts and circumstances and taking the guide lines as handed down by the Hon'ble Apex Court in 'Sanjay Kumar Vs. State of Bihar A.T.J. 2000(3) page 318', I do not find any merit in the matter to issue direction, as prayed for. The O.A. is dismissed accordingly. No order as to costs.



Member (J)

/M.M./