

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH**

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**Original Application No. 1459 of 2001**

Monday, this the 11<sup>th</sup> day of May, 2009

**Hon'ble Mr. Justice A.K. Yog, Member (J)**  
**Hon'ble Mrs. Manjulika Gautam, Member (A)**

Moti Prasad Son of Kumar Yadav (deceased)  
[Original applicant]

- 1/1 Smt. Panmati, W/o Sri Moti Prasad  
1/2 Deena Nath Yadav S/o Late Moti Prasad.  
1/3 Dinesh Kumar yadav S/o Late Moti Prasad.

All residents of village and Post Bhagalpur,  
District Deoria.

**Applicants**

By Advocates: Sri R.C. Singh  
Sri A.K. Yadav.

Vs.

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. Senior Divisional Mechanical Engineer, North Eastern Railway, Varanasi.
3. Carriage Depot Officer, North Eastern Railway, Maruadeeh, Varanasi.

**Respondents**

By Advocate: Sri K.P. Singh

**ORDER**

**Delivered by Justice A.K. Yog, J.M.**

Heard learned counsel for the applicants and Sri K.P. Singh, Advocate/Counsel appearing on behalf of the respondents.

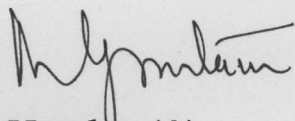
2. Learned counsel for the applicants informs that original applicant-Moti Prasad had filed this O.A. - against impugned order 'retiring him compulsorily from service'. He died on 08.09.2002 during pendency of the O.A. and in his place his legal



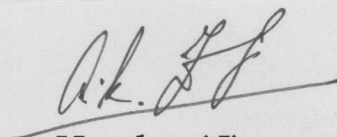
representatives have been brought on record. There is no dispute that legal representatives of original applicant (Moti Prasad) cannot be allowed relief of re-instatement (as claimed in the O.A.) now.

3. Learned counsel for the applicant further submits that in case order of compulsory retirement is set aside, one of legal heirs shall be entitled to seek compassionate appointment. We are of the view that it is beyond the scope of controversy raised in the O.A. Legal representatives, if they have any right in their personal capacity, they may pursue their remedy.

4. Present O.A. has become infructuous. It is accordingly dismissed. No order as to costs.



**Member (A)**



**Member (J)**

/M.M/