

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1027/01

FRIDAY, THIS THE 28TH DAY OF MARCH, 2003

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

Naubat Singh,
s/o Late Komal Singh,
Village Mangla Kaha Post Nadarai,
District:- Etah.Applicant.

(By Advocate:- S/Shri L.M.Singh
S.K.Yadav)

Versus

1. Union of India through General Manager,
North Eastern Railway,
Gorakhpur.
2. Divisional Railway Manager,
North Eastern Railway,
Izzatnagar,
Bareilly.Respondents.

(By Advocate:- Lalji Sinha)

O R D E R

By this O.A under Section 19 of Administrative
Tribunals Act, 1985, applicant has challenged the order
dated 15/18-6-2001 (Annexure -1) by which ^{the} claim of the
applicant for appointment has been rejected by General
Manager.

2. The facts of the case are that father of applicant
late Komal Singh was serving as Technician Grade-I in
North Eastern Railway, Izzatnagar, Bareilly. He died
on 2-8-2000 (Annexure-3) at the age of 56 years. The

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applicant made application for appointment on compassionate ground which has been rejected by the impugned order.

Resisting the claim of the applicant counter affidavit has been filed. In para 7 where it has been stated that Komal Singh died after serving for 35 years, the dependents were paid Rs. 301074/- as terminal benefits and mother of the applicant is getting Rs. 2500/- as family pension plus D.A etc. It has also stated that mother of the applicant has 10 Bigha agricultural land in her name and they have also a four room house as per own statement.

3. The learned counsel for the applicant has submitted that mother of the applicant has no land in her name.

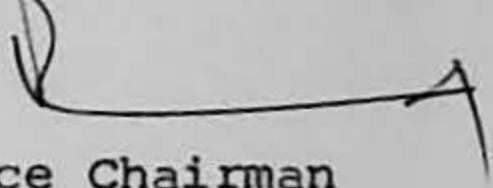
Today ^{the} ~~the~~ supplementary affidavit has been filed, together with a copy of record of rights (Khatauni) which shows that in Khata number 32 total area of 0.433 ^{hectare} ~~acres~~ has been recorded in name of Tej Pal Singh, s/o Sarnam Singh, Chokhe Lal and Khem Karan, Daan Sahai, Ram Singh, Hori Lal ~~and~~ ^{and} Bhim Sain, ~~and~~ Kunwar Sain, Dharm Pal or Komal Singh ~~and~~ ^{and} Ram Lal. In place of Komal Singh his sons Shankar Lal and Charan Singh and his widow have been substituted. It is submitted that the land ~~is~~ ^{is} ~~recorded~~ ^{if} of negligible area, of about one bigha.

4. The learned counsel for the respondents, however, placed before ^{me} the statement of mother of applicant wherein

she admitted that she has 5.30 Bigha land. This factual aspect (though the respondents ~~assess~~^{assert} 10 Bigha land) even if it is accepted to be 5.30 bigha the total property ~~assess~~ as disclosed in para 7 of the counter affidavit, suggest that applicant is not in indigent condition and the the view taken by the respondents is justified that he is not entitled for appointment on compassionate grounds. The fact that mother of applicant possesses agricultural land in her name has not been specifically denied either in rejoinder or in supplementary affidavit.

The O.A has no merit and is accordingly rejected.

There shall be no order as to costs.


Vice Chairman

Madhu/