

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1418 of 2004.

Monday, this the 29th day of November, 2004.

Hon'ble Mr. S.C. Chaube, A.M.

1. Smt. Asha Devi wife of late Sri Gauri Shanker Yadav, resident of Shahjadpur Gaon, Post-Kaushambi, District Kaushambi.
2. Sri Surjeet Singh Yadav aged about 20 years resident of village Sahjadpur Gaon, Post -Kaushambi, District - Kaushambi.

....Applicants.

(By Advocate : Shri Shekhar Srivastava)

Versus

1. Union of India through Ministry of Rail, Rail Bhawan Baroda House, New Delhi.
2. I.O.W. Engineering Department, New Delhi.
3. D.R.M., Allahabad Mandal, Allahabad.
4. Moti Lal Patel, posted at Ghaziabad Locoshed, E.M.U. Electronic Shed, resident of Village Shahjadpur, Post Shahjadpur, District - Kaushambi.

....Respondents.

(By Advocate : Shri A.K. Gaur)

ORDER

By Hon'ble Mr. S.C. Chaube, A.M. :

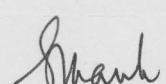
The husband of the applicant No.1 i.e. Smt. Asha Devi was working as a Class IV employee in Northern Railway in

....2.

Loco Electric Shed, New Delhi. During the course of his employment he died on ~~his~~ duty. The counsel for the applicant has further stated that the legal heirs of deceased ~~and~~ after his death, ~~they~~ are entitled for the employment/appointment in his department in question. The son of the applicant could not claim the employment in place of his father who died during the course of service. When applicant No.2 became major and passed the High School examination and tried to get the appointment in place of ~~his~~ father ~~then he was~~ surprised to know that the some another person ~~of the same~~ resident of the village of the applicants has got the employment in place of his father ^{impleaded} showing him ^{self} as a legal heir, who has been ~~placed~~ opposite party No.4.

2. Learned counsel for the respondents has raised some preliminary objections in as much as the complete address of respondent No.1, 2 & 3 have not been mentioned and further that the OA is time barred.

3. I have heard both the counsel and find that although a death certificate dated 27.7.2004 has been filed as Annexure-A-I stating that the Late Shri Gauri Shanker Yadav resident of Shahjadpur, Tehsil- Sirathu, District- Kaushambi died on 7.10.1986. It is also not clear whether the respondent No.4 has been appointed on compassionate ground or on his own merits in the normal course of recruitment. ~~■~~ In my considered view, the OA is hopelessly time barred and is accordingly dismissed. No order as to costs.



Member (A)

RKM/