

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 12th DAY OF MARCH, 2010)

PRESENT:

HON'BLE MR. S.N. SHUKLA, MEMBER-A

ORIGINAL APPLICATION NO. 1549 OF 2004
(U/s, 19 Administrative Tribunal Act.1985)

Ram Milan S/o Late Tufani,
R/o Village-Tripurarpur Khalasa
P.O.-Maharajganj, Pargana-Gopalpur,
Tehsil-Sagari, District-Azamgarh.

..... Applicant

By Advocate: Shri D.K. Pandey

Versus

1. Union of India, through the Secretary, Ministry of Defence, New Delhi.
2. Commandant, Central Ordnance Depot, Kanpur.

..... Respondents

By Advocate: Shri S.K. Mishra

R.C. Shukla /s/

ORDER

1. Heard learned counsel for the parties. Shri D.K. Pandey, learned counsel for the applicant states that the applicant's father was a permanent employee of Central Ordnance Depot, Kanpur. He was convicted and sentenced on some criminal charges and he expired in the year 1980. However, there is a copy of the order of Hon'ble High Court in Civil Misc. Writ petition No.20519 of 2002, Ram Milan Vs. Commandant, Central Ordnance Depot, Kanpur.

The order reads as under:-

"Hon'ble Ashok Bhushan,J.

Heard counsel for the petitioner.

By this writ petition the petitioner has prayed for a writ of mandamus commanding the respondent to pay

1/s/

all the fund, bonus and other benefits to which the petitioner is entitled. It is claimed that the petitioner's father was appointed in Central Ordnance Depot, Kanpur from 19.09.1945 to 21.06.1947. The petitioner's father being an employe of the Central Ordnance Depot which is Central Government. The remedy to the petitioner is to file claim petition before the Central Administrative Tribunal. This writ petition cannot be entertained at first instance Under Article 226 of Constitution of India.

The Writ petition is dismissed with the above observation.

D/-17.5.2002

Sd/-Ashok Bhushan-J"

Thereafter this OA has been filed dated 30.09.2004 seeking the following reliefs:-

- "i) issue a direction in suitable nature directing to the respondents to pay the fund, bonus, arrears or whatever is due upon him of the father of the applicant along with the compound interest.
- ii) Issue a direction in suitable nature commanding the respondents to consider the appointment of the applicant in Dying in harness, because the economical and social position of the applicant is like beggal's.
- iii) issue any other order or direction as this Tribunal may deem fit and proper in the circumstances of the case.
- iv) award this O.A. with high costs due gross negligence of the respondents."

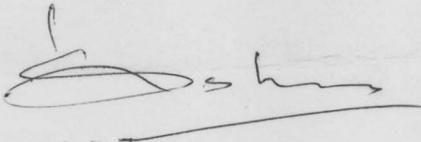
2. It is not disputed that the issue relates to certain claims of benefits such as funds, Bonus and arrears etc. which may have been due to late employee. These items are subject matter of record which are obviously in possession of the respondents and any amount of litigation will not come to any definitive conclusion unless the facts are crystallized in so far as they relate to the benefits as they are claimed to be due, if any. Similarly any question of considering the case of the applicant for compassionate appointment will also be a subject matter of Rules specific to the employer ^{organisation} ~~position~~ and can be considered only after the factual aspects of the case as regard to the services of the deceased employee and the entitlement of the survivors for any compensatory appointment or extract are brought on record.

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3. Therefore, in the interest of justice it is considered appropriate that the applicant be allowed to file a comprehensive representation before the competent authority raising all the issues/grievance/prayer before the appropriate authority who shall pass a reasoned and speaking order as per Rules/Law within a specified period of time.

4. Accordingly, the applicant is directed to file a fresh comprehensive representation before the competent authority within four weeks from today. If such representation is made, the respondent no.2/Commandant, Central ordnance Depot, Kanpur will pass reasoned and speaking order in accordance with law dealing with all prayers raised in the representation as per rules/law within a period of three months from the date of receipt of certified copy of this order.

5. With these observations this OA stands disposed of finally.
No order as to Costs.



Member-A

/ns/