

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1664 OF 2004

ALLAHABAD THIS THE 29TH DAY OF AUGUST 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

1. Smt. Malti Devi, aged about 45 years,
Wife of late Shri Ghanshyam R/o 241/49 Nainagarh,
Prem Nagar, Jhansi.
2. Harbind aged about 26 years,
Son of late Shri Ghanshyam R/o 241/49, Nainagarh,
Prem Nagar, Jhansi.

..... Applicant

By Advocate : Sri R. K. Nigam

Versus

1. Union of India through General Manager,
North Central Railway, Allahabad.
2. Divisional Railway Manager,
North Central Railway, Jhansi.

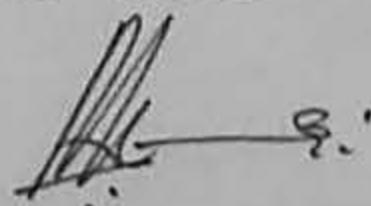
..... Respondents

By Advocate : Sri Anil Kumar

O R D E R

This application is filed seeking direction to the respondents to consider the case of the applicant for compassionate appointment.

2. The applicant stated that one Shri Ghanshyam died on 20.11.1991 leaving behind petitioner's wife and the petitioner no.2 son. The request is made to the respondents as they are suffering and without their



being any financial assistance for their survival due to the sad demise of the husband of applicant no.1 and sought for this relief.

3. On notice the respondent have filed the counter affidavit contending that the case of the applicant cannot be considered having regard to the fact that at the time of his death he is not in service and so he is not entitled for consideration and so far as regarding the intimation is concerned by the respondents when the deceased was not an employee of the Railway and the case cannot be considered even though along with counter affidavit the same is furnished to the applicant in the RA, they have not disputed the same and, therefore, sought for dismissal of the OA.

4. I have heard the learned counsel for the parties and perused the pleadings and the materials on record. Having regard to the admitted fact that the applicant was died on 20.11.1991 and the claim based on the said cause of action of the death of the deceased by the legal heirs at a belated stage and more so as the person was not in service on the day he was died, the case for compassionate appointment cannot be considered having regard to the said intimation they have not challenged the same after such a long lapse of time for consideration of the compassionate appointment, therefore, I do not find any



justification to grant any relief as prayed for by the applicant.

5. In view of the foregoing reasons the Oa is dismissed. No Costs.


Member-J

/ns/