

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 452 OF 2004

ALLAHABAD, THIS THE 17th DAY OF MAY, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Phoolgena wife of Late Shiv Shanker
a/a 48 years, resident of village Kalna Gaharwar
Post Kalana District Mirzapur.

.....Applicant

(By Advocate : Shri V.D. Yadav)

V E R S U S

1. The Union of India through General Manager, N.C.R. Allahabad.
2. The Divisional Rail Manager, North Central Railway, Allahabad.
3. The Foreman, Engineering Workshop, North Central Railway, Sudedarganj, Allahabad.
4. The Divisional Account Officer, North Central Railway, Allahabad.

.....Respondents.

(By Advocate : Shri A.K. Gaur)

O R D E R

By this O.A. applicant has sought the following reliefs:-

- "(i) Issue an order or direction directing the respondents No.2 to make payment of all the benefits of husband of the applicant (who died in harness) to the applicant and all children of deceased husband in accordance with law immediately with interest.
- (ii) Issue an order directing the respondent No.2 to make appointment of the applicant on a suitable post on compassionate ground and to pass an order directing the respondent No.2 to consider and decide application dated 12.02.2004 filed by the applicant before the respondent No.3.
- (iii) Issue any other order or direction which this Hon'ble Tribunal may deem fit and proper in view of the facts and circumstances of the case. "



.....2/-

2. It is submitted by the applicant that her husband was working on the post of Gangman. An identity card has been issued from the office of respondent No.3 in which name of the applicant as well as other legal heirs and successors of the applicant's husband have been mentioned (Annexure A-2). It is also submitted by the applicant that her husband died on 19.07.2003 in harness in Railway Divisional Hospital, Allahabad N.C.R. leaving behind applicant the second wife, Shri Rakesh Kumar Major son from the first wife and one daughter, thereafter he married with applicant and from their marriage applicant gave birth ^{to} one son Shri Shrawan Kumar and two daughters Smt. Saroj and Km. Chanda Devi. Shri Rakesh Kumar is living separately while applicant and her children ^{were} ~~are~~ dependent on her husband. Therefore she gave an application to respondent No.2 for giving her the post retiral benefits but inspite of her having given several applications for post retiral benefits as well as compassionate appointment, till date she has ^{even} ~~not~~ given any reply by the respondents. She has further submitted that earlier she had given an application for giving appointment to her son Shri Shrawan Kumar but he is still minor and cannot be given appointment therefore, she has given another application seeking compassionate appointment for herself. She has, thus, prayed that the O.A. may be allowed by giving direction to the respondents as prayed for.

3. I have heard counsel for the applicant and perused the pleadings as well.

4. It is seen from Annexure A-I that applicant has given a



request to the authorities to give post retiral benefits to all the children of deceased and herself in equal share in accordance with rules and I do not see any reason as to why respondents have not been able to give a reply to the applicant on her application as mentioned above. This letter is dated 12.02.2004. It is submitted by the applicant that she has also given a separate application for compassionate appointment also but the same is not on record. In any case these are the matters, which can be decided by the competent authority on the basis of records available with them. Therefore, no direction can be given by the court, ^{However B} ~~and~~ it is felt that ends of justice would be met if this O.A. is disposed off at the admission stage itself by giving direction to the respondents No.2 to consider the application of applicant and after verifying the facts from the service record of the deceased employee, pass a speaking order in accordance with rules and instructions on the subject and to communicate the same to the applicant within a period of 3 months from the date of receipt of a copy of this order.

5. With the above direction, the O.A. is accordingly disposed off with no order as to costs.



Member (J)

shukla/-