

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD  
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O.A.No. 523 of 2004

Dated: This the 14th day of July, 2004

HON'BLE MRS. MEERA CHHIBBER, JM

1. Smt Lalita Devi alias Ram Murti, aged about 47 years, W/o Late Ramesh Chandra Rathore, resident of House No. 669, Bairun Katra Shamsher Khan, Etawah- 206001.
2. Santosh Kumar, aged about 23 years, son of Late Ramesh Chandra Rathore, resident of House No. 669, Bairun Katra, Shamsher Khan, Etawah-206001.

.....Applicants.

By Advocate: Shri N.K.Nair and Shri M.K.Upadhyay

Versus

1. Union of India, through the Secretary, Ministry of Defence, Department of Defence Production, Government of India, New Delhi.
2. The Chairman, Ordnance Factory Board/Director General of Ordnance Factories, 10-A, Shaheed Khudi Ram Bose Road, Kolkata.
3. The Senior General Manager, Ordnance Factory, Kalpi Road, Kanpur.

....Respondents.

By Advocate: Shri R.R.K.Mishra

O R D E R

By Hon'ble Mrs. Meera Chhibber, JM

By this O.A. applicant has sought the following relief(s):

- i) The respondents be directed to give compassionate appointment on a suitable post in Class-IV to the applicant No.2, in the Ordnance Factory, Kanpur, so that he may be in a position to properly maintain the applicant no.1, the legally wedded wife of deceased employee Late Ramesh Chandra Rathore, who was employed as TURNER ( SKILLED) in the Ordnance Factory, Kanpur, who died in Harness

while in such employment and can also manage the maintenance and marriage of Km. Poonam Rathore, the daughter of the deceased-employee as well as the maintenance of self and the applicant no.2 the son of the deceased-employee."

2. It is submitted by the applicant no.1 is the widow of Late Ramesh Chandra Rathore while applicant no.2 is the son of applicant no.1 and Late Ramesh Chandra Rathore. Shri Ramesh Chandra Rathore expired on 26.5.2000 leaving behind his legal heirs and successors namely applicant no.1, his widow, Km. Poonam Rathore, daughter aged about 21 years and son Shri Santosh Kumar Rathore and applicant no.2 who was aged about 19 years at the time of his father's death. It is stated by the applicant that Ramesh Chandra Rathore had not divorced his first wife and during her life time no second marriage could have been contracted by Ramesh Chandra Rathore and even if he had re-married that marriage is nullity in the eyes of law. It is further submitted that in the service record Ramesh Chandra Rathore had mentioned the name of applicant no.1 and his son and daughter and his family and even in the Central Government Group Insurance Scheme name of applicant no.1 as his nominees in the year 1981. Her name also finds place in the Workman's record of service maintained by the Ordnance Factory, Kanpur.

3. Unfortunately in the year 1983-84 applicant no.1 met with an accident while cooking food and sustained serious burn injuries on her body as a result of which she became partially handicapped, therefore, Ramesh Chandra Rathore refused to take her and children back in the house. Applicant no.1 had even complained to the General Manager, Ordnance Factory, Kanpur about her desertion by her husband and for providing maintenance to her and children. Since she was constrained to live with her parents <sup>had</sup> hardly ~~at~~ the means to look after applicant no.1 and

children, therefore, she had to file a case under section 125 of Cr.P.C. ~~but~~ <sup>was filed</sup> A compromise was entered into, whereby a direction was given to husband of applicant no.1, Shri Ramesh Chandra Rathore to pay maintenance to the applicant no.1. This maintenance used to be deducted from the salary of Late Ramesh Chandra Rathore by the Management of Ordnance Factory, Kanpur and sent to Court for disbursement to the applicant no.1.

4. After the death of her husband on 26.5.2000 applicant no.1 gave an application on 02.6.2000 to the General Manager, Ordnance Factory, Kanpur informing about the death of her husband. Thereafter she gave representation on 10.06.2000 requesting for payment of terminal benefits namely pension, gratuity, provident fund etc. and it was also requested that compassionate appointment may be granted to the son of deceased employee. She was, however, informed vide letter dated 05.07.2000 that there was another claimant namely one <sup>who also claimed</sup> Ms. Kiran ~~shown~~ to be wife of late Ramesh Chandra Rathore, therefore, it was necessary to get succession certificate from a Civil Court so that the matter may be finally decided.

5. It is submitted by the applicant that she applied for succession certificate and alongwith her application dated 24.7.1983 submitted the succession certificate to the authorities (pg.33). She was, however, <sup>once again</sup> sent a letter dated 18.2.2003 asking her to send the succession certificate issued by the Court so that appropriate action may be taken in the matter (pg 54). It is submitted by the applicant that she immediately sent another letter on 24.11.2003 annexing the succession certificate and requesting the authorities

to release all the terminal benefits in her favour as well as grant of compassionate appointment to her son(pg 57). Her grievance is that inspite of having submitted the succession certificate respondents have till date neither given her any reply nor released any terminal benefits nor have considered the case of applicant no.2 for compassionate appointment. He has, thus, prayed that the O.A. may be allowed.

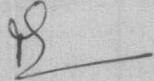
6. Counsel for the respondents was seeking time to file reply but I do not think it is relevant at this stage to call for Counter Affidavit. Respondents have not even given any reply to the applicant after she submitted the succession certificate issued in her favour by a Competent Court of law.

7. In view of the fact that from the letters issued by department, it is clear that respondents were only waiting for the succession certificate for deciding the matter finally, therefore, now that applicant has already submitted the succession certificate as desired by them, It was incumbent on the part of respondents ~~would~~ <sup>to</sup> have taken final decision in the matter and to communicate ~~to~~ the same to the applicant. Since no such decision has been communicated to the applicant, therefore, this O.A. is being disposed off at the admission stage itself without going into the merits of the case by while directing the respondent no.3 to decide the representation dated 03.07.2003 and 24.11.2004 as annexed with this O.A. by passing a reasoned and speaking order within a period of 2 months from the date of receipt of a copy of this order under intimation to the applicant.



8. It goes without saying that in case applicants ~~have~~  
still aggrieved they would be at liberty to challenge the  
in  
said order/<sup>in</sup> fresh O.A.

9. With the above direction the O.A. is disposed off  
at the admission stage itself with no order as to costs.



Member-J

Brijesh/-