

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 7th day of July, 2004.

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.

O.A. No. 600 of 2004

1. Smt. Noorjahan Bano W/O Late Jameel, R/O H.No.624,
Krishna Nagar, Kydganj, Allahabad.
2. Mohammad Saleem S/O Late Jameel R/O H.No.624, Krishna
Nagar, Kydganj, Allahabad.

..... Applicants.

Counsel for applicants : Sri P.K. Srivastava.

Versus

1. Union of India through General Manager, North Central
Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Alld.
3. Divisional Personnel Officer (DPO), N.C. Railway, Alld.
4. Senior Section Engineer (C&W), N.C. Railway, G.M.C.,
Kanpur.
5. Raabiya Begum, R/O 11/257, Sanklit Nagar, Jahanpur Sarvesh
Road, Ahmedabad..... Respondents.

Counsel for respondents : Sri A.K. Pandey.

ORDER (ORAL)

BY HON. MRS. MEERA CHHIBBER, J.M.

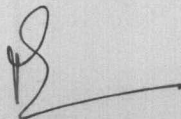
This O.A. has been filed by Smt. Noorjahan Bano and
Mohd. Saleem ^{claiming to be R} ~~being~~ the legally wedded wife and son of Late
Jameel after his divorce from first wife Smt. Raabiya Begum.

2. It is submitted by the applicant that she was duly
married to Shri Jameel as per Muslim law on 12.6.1978. To
substantiate her submission, she has enclosed Nikahnama at
page 19 of the O.A. It is submitted by the applicant that
Shri Jameel died on 31.5.2002 and it was applicant, who
performed his last rites at Allahabad and she also gave an
application for settlement dues as well as for compassionate
appointment in favour of her son, applicant No.2. The
respondents directed the applicant to give the certified

copy of the death certificate so that the settlement dues may be cleared which is evident from letter dated 7.1.2003 (Page 25). Vide letter dated 15.1.2003, applicant submitted the death certificate as directed by the respondents in the office (Page 27) but yet they were surprised when respondents sent the copy of letter dated 11.5.2004 whereby Smt. Raabiya Begum at Ahmedabad was informed that it has been decided by the authorities to clear the settlement dues in her favour and also to grant her compassionate appointment. She was, therefore, asked to submit her claim for settlement dues (Page 15). It is this letter, which has been challenged by the applicants by way of the present original application.

3. Counsel for the applicant submitted that applicants have also given representation to the authorities concerned after filing of this O.A. but ^{since it was B} it is necessary to protect the rights of the applicants, therefore, they had to file the present O.A.

4. Counsel for the respondents was seeking time to file reply. However, I am of the opinion that at this stage, it is not necessary to call for the counter as at the first instance, these matters need to be decided by the authorities concerned on the basis of records available with them and the evidence which might be produced by the applicant ~~to~~ substantiate her case. Therefore, under these circumstances, this O.A. is disposed of at the admission stage itself without going into the merits of the case by directing the Respondent No.3 to treat this O.A. itself as a representation on behalf of applicants and to pass a reasoned and detailed order thereon under intimation to the applicant No.1. It is made clear that till such time, the matter is finally decided and communicated to the



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Applicant No.i, the letter dated 11.5.2004 shall not be given effect to.

5. Withe the above direction, this O.A. is disposed of at the admission stage itself with no order as to costs.



J.M.

Asthana/