

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH,

ALLAHABAD

Dated: Allahabad this the 17th Day of May 2000.

Coram:- Hon'ble Mr. S. Dayal, Member (A)

Hon'ble Mr. Rafiq Uddin, Member (J)

Original Application No. 450 of 92

Smt. Binla Devi

Widow of Late Ram Sajiwan

Resident of Bye-Pass Road, Jhusi, district
Allahabad.

... Applicant

Counsel for the applicant = Sri G.D. Mukerjee

VERSUS

1. The Union of India through the Chairman,
Railway Board, New Delhi.
2. The Divisional Railway Manager, Northern
Railway, Allahabad.

... Respondents

Counsel for the respondent = Sri P. Mathur,
Sri Satish Chaturvedi

ORDER

(By: Hon'ble Mr. S. Dayal, Member (A))

This application has been filed under Section 19
of Administrative Tribunal Act 1985 seeking a direction

to the respondent to make payment of pay and allowances in respect of Sri Ram Sajiwan during his lifetime and thereafter all the death benefits duly pension, provident fund, gratuity, group insurance, bonus etc. to the applicant. A prayer has been also made for a direction to the respondent to offer his job to the applicant or her son in place of Sri Ram Sajiwan.

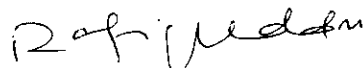
2. The facts mentioned by the applicant in application are that her husband joined Northern Railways Electric Signal Maintainer on 15/9/67 after completing his training following his selection by Railway Service Commission. He fell ill in 1970 and claims to have applied for leave on medical ground alongwith medical certificates from time to time on 25/7/70. He reported for duty with proper fitness certificate but he was given letter to the effect that he would be informed by post at his home adress. He filed a suit after service of notice under Section 80 Civil Procedure Court which was numbered as original suit 32 of 1973 and it was decreed ex-parte on 31/7/73. The applicant claims to have written letters on 13/12/73 and 18/1/74 for being taken back in service on the basis of the judgement. The applicant has died on 8/7/81 applicant claims to have been made number of representation without any results.


3. The arguments of Sri Prasant Mathur learned counsel for the respondent have been heard.

4. We find that the applicant during his lifetime had filed no application. As a matter of fact he died on 8/7/81 which is more than 4 years before the Administrative Tribunal Act's 1985 came into force.

5. The main question here is regarding a decree which is claimed to have been passed in his favour by the civil court in original suit No. 32/73. The civil court had declared that the applicant was in service and was entitled to pay, allowances, interim relief etc. as Electric Signal Maintainer since July, 1970. The decree of the civil court has to be executed according to the procedure laid down Civil Procedure Court and the applicant has to seek the execution. We find two representations of the applicant dated 13/12/73 and 18/1/74 filed as Annexure 2 and 3. Of these representations^{one} dated 13/12/73, of the two, Annexure 2 is more comprehensive. The respondents has mentioned that no representations are available in the office and hence respondents had not given any reply. They have added as a post script the comment that they were denying the content of the Para on the basis of records available in the office. The respondent have also mentioned that although the applicant's husband died on 8/7/81, the applicant has produced death certificate issued by Nagar Swastha Adhikari on 18/2/92 which was more

than 10 years after the death of the applicant's husband. The applicant appears to have made the application to this tribunal without taking her claim before the respondents. Although the applicant has claimed that she had made a number of representation not even one representation has been placed on record. The respondent have denied that they received any representation from the applicant. Under the circumstances the applicant may file her representation to the respondents alongwith a copy of this order and the respondents are directed to decide a representation within a period of 3 months from the date of receipt. No order as to cost.


J.M.


A.M.

/T. Joshi/