

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 12th day of May 1997

Hon'ble Mr. S. Dayal, Administrative Member.

Original Application no. 1344 of 1994.

Geeta Rani Srivastava, W/o Late Shri M.C. Srivastava
R/o Village Bharuana, Post Office Sadar, District
Mirzapur, at present residing at House no. 928, Malviya
Nagar, Distt. Allahabad.

... Applicant.

C/A Sri S.N. Srivastava

Versus

1. The Union of India, through the Secretary, Ministry of Custom and Excise, New Delhi.
2. The Collector, Custom and Excise, Allahabad.
3. Pradip Kumar Srivastava, S/o Late Shri M.C. Srivastava
R/o Village Charuana, Post Office Sadar, Distt.
Mirzapur.
4. Km. Shalani Srivastava, D/o late Sri M.C. Srivastava
Village Bharuna, P.O. Sadar Distt. Mirzapur.

... Respondents

C/R. Sri H.S. Srivastava, Sri A. Tiwari.

Connected with

Original Application no. 217 of 1995

Km. Shalini Srivastava, D/o Late Sri M.C. Srivastava
R/o Village Bharuna, P.O. Sadar, District Mirzapur.

... Applicant

C/A Sri A.C. Tiwari

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Versus

1. Union of India, through Secretary Ministry of Finance (Custom & Central Excise) New Delhi.
2. Chairman, Central Board of Direct Taxes, New Delhi.
3. Collector, Custom & Central Excise, Allahabad.
4. Sri Pradeep Kumar Srivastava, S/o Late Sri M.C. Srivastava, Village and Post Bharuna, P.O. Sadar, Mirzapur.
5. Smt. Geeta Rani Srivastava, 928, Malviya Nagar, Allahabad.

... Respondents

Km. Sadhana Srivastava

Connected with

Original Application no. 751 of 1994.

Pradeep Kumar Srivastava, S/o Late Sri M.C. Srivastava, R/o Village Bharuana, P.O. Sadar Distt. Mirzapur.

... Applicant.

C/A Sri S. Nandan, Sri V.K. Srivastava

Versus

1. The Union of India through Secretary, Ministry of Customs and Excise, New Delhi.
2. The Collector, Customs and Excise, Allahabad.
3. Smt. Geeta Rani Srivastava, W/o Late Sri M.C. Srivastava, R/o 928, Malviya Nagar, Allahabad.
4. Km. Shalini Srivastava, D/o Late Sri M.C. Srivastava R/o Village Bharuana, P.O. Sadar, Distt. Mirzapur.

..... Respondents

C/R Sri N.B. Singh, Sri S.N. Srivastava
Sri A.C. Tiwari.

O R D E R

Hon'ble. Mr. S. Dayal, Member-A.

This is an application under section 19 of the Administrative Tribunals Act, 1985, which has been heard with two other connected applications.

A common hearing of all the three applications has been made because the applicants in these three cases are the second wife and two children from the first marriage who are seeking compassionate appointment after death in harness of one Shri Mahesh Chandra Srivastava, Inspector, Customs and Excise, Allahabad, on 8.2.94. A common judgment is being given.

The arguments of Shri A.C. Tiwari, learned counsel for the applicant in OA 217/95, Shri H.S. Srivastava learned counsel for the applicant in OA 751/94 and of Sri S.N. Srivastava learned counsel for the applicant in OA 1344/94 have been heard. Km. Sadhana Srivastava appeared for the respondents in all the three cases and presented arguments on their behalf.

We have considered the pleadings in this case. The pleadings show that confronted by the claim of three persons for compassionate appointment, the respondents are in a quandary as to which claim to accept. The learned counsel for the respondents has mentioned that claim of one of the three claimants can be accepted. There is likely to be a statement if the applicants are asked to resolve their differences and present one claim give the facts of this case. We shall, therefore, examine the claims of the three chronologically and see the merits of each.

In OA 751 of 1994, the applicant Shri P.K. Srivastava has claimed entitlement to compassionate appointment. As he had to support his own family along with two unmarried sisters who were dependent on the deceased Inspector Shri Mahesh Chandra Srivastava. The pleadings, however, show that the applicant was married and employed at the time of his father's death and is seeking compassionate appointment in order to improve job security. He cannot be considered to be a dependent of late Shri Mahesh Chandra Srivastava at the time of his death. Besides his relationship with his step mother is such that he is unlikely to extend any support to the latter in case he gets compassionate appointment. Hence his claim can not be accepted.

The applicant in OA 1344/94 is one Smt. Geeta Rani Srivastava, who is the second wife of deceased Shri Mahesh Chandra Srivastava and step mother of the applicant in the OA 751 of 1994 mentioned above and of the applicant in OA 217 of 1995 which shall be taken up after examination of Smt. Geeta Rani Srivastava claim. Smt. Geeta Rani Srivastava has only about a decade left before she completes 58 years of age at which she would superannuate. Her relationship with her step children is such that she is not likely to pull on with her step daughter who is the other dependent of the deceased Shri Mahesh Chandra Srivastava and is in reckoning for compassionate appointment. The affidavit given by Km. Shalini Srivastava in favour of his brother for her education and upkeep in future is significant in confirming that she has no faith in her stepmother.

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Therefore, the claim of Smt. Geeta Rani Srivastava is also not such which can be accepted in this case.

The applicant in OA 217/95 was a minor at the time of her father's death in 1994 has since attained majority and is one of the applicants for compassionate appointment. She has the best claim because she is educated upto 11th standard and is likely to have obtained more academic qualifications since the filing of her OA and is in a position to support the dependents of Sri Mahesh Chandra Srivastava. The applicant has also sought as relief her share of terminal benefits. This relief does not fall within the purview of this Tribunal and as such no order is being passed as far as this relief is concerned.

The respondents are, therefore, directed to consider the claim of Km. Shalini Srivastava, applicant in OA 217/95, for compassionate appointment and pass final orders regarding her claim within a period of three months of the date of communication of this order.

There shall be no order as to costs.

Sd/-
A.M.

Complaint
P.W.

/pc/