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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Allahabad this the 20th day of October 1995.

Original Application no. 423 of 1994

Hon'ble Mr S. Dayal, Administrative Member.

1. Smt. Kamla Bai, Widow of Late Shri Dhani Ram, R/o Village Hansari, P.O. Hansari, District Jhansi.
2. Santosh Kumar, S/o Late Shri Dhani Ram, R/o Village and P.O. Hansari, District Jhansi.

. Applicants.

G/A Sri M.P. Gupta.

Versus

1. The Union of India through the General Manager, C. Rly, Bombay V.T.
2. The Chief Workshop Manager, C.Rly, Jhansi.
3. Smt. Malti D/o Ram Babu Ahirwar, 244/1, Mohalla Gudri, Jhansi.

. Respondents.

C/R Sri G.P. Agarwal, Sri V.P. Pathak, Sri D.P. Singh

ORDER

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

This is an application under Section 19 of the Administrative Tribunals Act, 1985.

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2. The reliefs claimed by the applicants are :-

- (i) Direction to the respondents to pay to applicant no.1 all the dues of Late Pyare Lal.
- (ii) Direction to the respondents to offer appointment to applicant no. 2 upon a class iv post on compassionate ground.
- (iii) Award cost of the application.

3. The brief facts as narrated in the application are that applicant no. 1 Smt. Kamla Bai is mother and applicant no. 2 brother of Late Pyare Lal. Shri Pyare Lal was employed in Central Railway Workshop at Jhansi as Khalasi on 12.10.87 on compassionate ground. It is claimed that Pyare Lal was appointed on giving an undertaking that he will claim applicant no. 1 and her family which included applicant no. 2. Late Pyare Lal was married to Smt. Malti but relations were bitter and a petition for divorce was filed by Shri Pyare Lal on 27.5.93 in the court of the Judge, Family Court. It is claimed that Pyare Lal was killed by some persons in connivance with Smt. Malti and his body was thrown on the Railway track to make out a case of suicide. Applicant no. 1 had applied to Chief Workshop Manager that dues of Late Pyare Lal be paid to her and that his wife Smt. Malti should not be given any payment of terminal dues. This was rejected by the Chief Workshop Manager by his letter dated 13.12.93.

4. The first relief has been claimed on the ground that applicants were dependent on the income of Late Pyare Lal. In this connection the Chief Workshop Manager has rightly informed applicant no.1 that wife of Late

Pyare Lal Smt. Malti Devi had applied for terminal benefits and pension and that she and her daughter had prior claim on the terminal benefits of Late Shri Pyare Lal and that all payments shall be made to Smt. Malti Devi unless the applicant produced order of the Court regarding grant of divorce. It is quite clear that no final orders for divorce had been passed till the death of Late Pyare Lal. Therefore, the applicants have no claim over the terminal benefits or pension. Smt. Malti Devi, respondent no. 3, has alleged in her Counter reply that she was ill treated by her husband, mother in law and brother in law and that she was beaten up and thrown out of the house on 23.5.93. When she made a police complaint about being beaten, her husband filed a petition for divorce in retaliation. The applicant is, therefore, not entitled to the first relief claimed by her. In any case she cannot dispute succession in this Court as it is not a service matter and this court can not issue any direction to the respondent to act against the rules of their department in making payment of terminal benefits and pension.

5. As regards the second relief, the applicants have neither shown that they have given any application by annexing a copy of such application nor have produced any order of rejection of representation for compassionate appointment. The Counter reply of Respondent no.3 shows that applicant no.2 was older than her husband and married before Late Pyare Lal was married. He is not a dependent of Pare Lal nor was a dependent even at the time when appointment was given to Pyare Lal. Therefore, the applicants are not entitled for compassionate

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appointment.

6. In effect, the applicants are not entitled to any of the reliefs claimed by them. The application is therefore dismissed.

7. There shall be no order as to costs.

8. I would like to record that this court had the assistance of Shri M.P. Gupta, learned counsel for the applicants, Shri G.P. Agarwal, learned counsel for respondent nos. 1 and 2 and Shri D.P. Singh, learned counsel for respondent no.3 in reaching the above conclusions.

Member-A

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