

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

original Application No. 483 of 1999.

this the 1st day of March 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Smt. Malti Devi, wife of Sri Kant Shukla, resident of
246/F, OM Gayatri Nagar, Police Station Conoleganj,
Allahabad.

... Applicant.

By Advocate : Sri P.S. Pandey.

Versus.

union of India through the Ministry of Railways, New Delhi.

2. Railway General Manager, Central Railway
Mumbai, Maharashtra.

3. Divisional Railway Manager, Central Railway,
Jabalpur, (M.P.)

... Respondents.

By Advocate : Sri G.P. Agrawal.

O R D E R (ORAL)

This O.A. has been filed by the wife of
Shri Kant Shukla, who was working as Diesel Assistant at
Loco-shed, Satna under the jurisdiction of D.R.M., Jabalpur,
seeking directions to the respondents to appoint her on
compassionate grounds because her husband Shri Kant Shukla
has been missing since 27.2.1991.

2. Briefly stated the case of the applicant is
that Sri Kant Shukla was on duty on 27.2.1991 at railway
station Naini C.N.C. Chheunki, Allahabad, ~~but~~ The applicant
was informed by some colleagues of applicant's husband that
Shri Kant Shukla was not coming on duty since 28.2.1991.
The father of Sri Kant Shukla also lodged an F.I.R. on
31.3.1991 at police station Colonelganj, Allahabad and ~~was~~
also informed ~~to~~ D.R.M., Jabalpur for tracing his missing
son. It is also stated that the applicant had also approached

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the D.R.M., Jabalpur seeking appointment on compassionate grounds in place of her husband - Shri Kant Shukla. The applicant was informed vide letter of D.R.M., Jabalpur dated 27.8.1993 that the appointment on compassionate ground was possible only after the expiry of seven years period from the date of missing of her husband. The applicant accordingly made a fresh representation on 15.6.1998 seeking appointment on compassionate grounds. The respondents have, however, not passed any order on her representation and the said representation ~~was~~ remained pending.

3. I have heard the learned counsel for the parties and have perused the pleadings on record.

4. The learned counsel for the respondents has pointed out that the applicant's husband namely Sri Kant Shukla was removed from service after the disciplinary proceedings initiated against him for alleged un-authorised absence from duty. Therefore, the appointment on compassionate grounds cannot be made under the circumstances.

5. Considering the facts and circumstances of the case, the O.A. is disposed of with the directions to the respondent no.3 namely Divisional Railway Manager, Central Railway, Jabalpur (M.P.) to consider and pass suitable orders on the representation of the applicant dated 15.6.1998 in the light of the relevant rules and instructions on the subject and also the Railway Board's circular no. E(NG)111/178/RCI/1 dated 7.4.1988 within a period of three months from the date of communication of this order. The applicant is also directed to furnish a copy of the representation dated

~~6.4.1998~~ ^{Ru} alongwith a copy of this order to the respondent no.3.

6. The O.A. stands disposed of as above with no order as to costs.

Ratnayakha
MEMBER (J)

Allahabad : Dated : 1.3.2001
Girish/-