

(open court)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Dated, Allahabad, this 11th day of January, 2001

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

original Application No.1208/99

Smt. Urmila Devi
widow of Late Ram Babu
Resident of Subhashpura (H.No.105),
Lalitpur, U.P.

..... Applicant

Counsel for the applicant : Shri R.K.Nigam

V E R S U S

1. Union of India through the General Manager,
Central Railway, Mumbai, CSTM
2. Divisional Railway Manager,
C.Railway, Jhansi

..... Respondents

Counsel for the Respondents: Shri G.P.Agarwal

O R D E R

(Open court)

The applicant Smt. Urmila Devi is widow of Late Ram Babu who was working as M.R.C.L. Gangman under P.W.I, Lalitpur. Said Ram Babu died on 27.5.1996 while working in the aforesaid office. The applicant submitted application before the Respondents for her appointment in Group 'D' post on compassionate ground in place of her husband. The Divisional Manager, Central Railway, Jhansi (Respondent No.2) has, however, rejected the application of the applicant vide impugned order dated 10.8.1998. The applicant has filed this O.A. for quashing the aforesaid order and has sought direction to be issued to the Respondents to consider her appointment in any post in Group 'D' on compassionate ground.

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The Respondents have resisted the claim of the applicant on the ground that deceased Ram Babu was not a regular employee because he had been appointed as Casual Labour under P.W.I, Lalitpur on 3.12.1980 on the basis of alleged forged Casual Labour Card. During the life time of the deceased a charge sheet was also served on him on 26.6.1988. But the departmental proceedings could not be finalised against him during his life time because the deceased Ram Babu expired on 27.5.1996. I have heard Learned Counsels for the parties and perused the records. It is not in dispute that the deceased Ram Babu had acquired M.R.C.L. Card and had availed the facilities admissible to M.R.C.L. The husband of the applicant was also working for a ^{considerable} ~~suitable~~ ²/₄ long period from 1980 till his death in 1996. It is also not in dispute that due to non-completion of departmental proceedings it was not clearly proved that the applicant's husband got the employment on the basis of forged Labour Card.

Considering the facts and circumstances of the case the impugned order dated 10.8.1998 is quashed and the O.A. is disposed of with the direction to the Divisional Railway Manager, Central Railway (Respondent No.2) to reconsider the case of the applicant for her appointment on compassionate ground as per instruction on the subject within the period of 4 (four) months from the date of communication of this order.

There will be no order as to cost.

Rajendra
JM