

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1405 of 1999

Allahabad this the 25th day of April, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Km.Brijesh Kumari alias Anju Bala, D/o Late Sri Ram Jiyavan, Resident of village Afsari, Post Behta Bhawani, District UNNAO, at present resides at C/o Sri Rajendra Prasad, House No.A-13, Chandra Shekhar Awas Vikas Colony, Unnao.

Applicant

By Advocate Shri P.K. Asthana

Versus

1. Union of India through Secretary, Door Sanchar, Central Secretariate, New Delhi.
2. Chief General Manager, Telecommunication, East Zone, Lucknow.
3. Mandal Adhikari Kanpur Mandal, Door Sanchar Vibhag Kanpur Mandal, Kanpur.
4. Superintendent, Central Targhar, Kanpur.

Respondents

By Advocate Shri R.C. Joshi
Shri D.S. Shukla

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Late Shri Ram Jiyavan, Tar Babu at Kanpur died in harness on 01.11.1986 leaving behind him the applicant as only daughter and

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his wife, and on the death of sole bread earner, the family got ruined on economic front, and the applicant moved for appointment on compassionate ground under dying in harness rules, but after waiting for considerable time, she did not get any reply, therefore, she has come up seeking relief to the effect that the respondents be directed to give appointment to the applicant on compassionate ground.

2- The respondents have contested the case and filed counter.reply. Para-5 of the counter-reply mentions that the deceased employee mention his family in his service record on 05th June, 1984, and therein he mentions Smt.Savitri as his wife, Km.Anju Bala as daughter, Km.Yashoda as sister and Smt.Indira Devi as mother and nominated his wife Smt.Savitri Devi for entitlement after his death. It has been further mentioned that as subsequent events, Smt.Savitri Devi deserted Shri Ram Jiyawan and started ~~leaving~~ living with her parents, for which she was also allowed maintenance at the rate of Rs.110/- per month under the orders of the Munsif(South), Unnao. After the death of Shri Ram Jiyawan, another lady Smt.Neelam came forward claiming her to be widow of Sri-Ram Jiyawan and claimed the ^{due on death as per law} ~~retiral benefit and~~ appointment on compassionate ground. Since there were two claimants claiming on equal footing, the matter has not so

far been decided and it is pending inquiry. There is clear averments on behalf of the respondents that if the claim of the applicant is found correct and also on merit, she will be given appointment.

3. Heard counsel for the parties and perused the record.

4. With the above position in view, it will not be in the fitness of circumstances to issue direction as claimed in the relief clause. However, the respondents are directed to take decision expeditiously and preferably within 4 months from the date of communication of this order. The O.A. is disposed of accordingly. No cost.

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Member (J)

Member (J)

M.M.