

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 21st day of March, 2001.

Coram: Hon'ble Mr. S. Dayal, A.M.

ORIGINAL APPLICATION NO.1477 OF 1999

Smt. Kamala Devi,  
d/o late Sri Bhagwan Din,  
wife of Sri Suresh Chandra,  
r/o village Adampur, Post Office  
Atharampur, District Allahabad.

. . . . . Applicant

(By Advocate Sri B.P. Yadav )

Versus

1. Union of India, through Secretary,  
Ministry of Railway, New Delhi.
2. Secretary (Establishment) (R) Railway Board,  
Baroda House, New Delhi.
3. Mandal Railway Prabandhak,  
Northern Railway, Allahabad.
4. T.I./Chief Station Master,  
Northern Railway.

. . . . . Respondents

(By Advocate Sri G.P. Agarwal)

ORDER (ORAL)

(By Hon'ble Mr. S. Dayal, AM)

This Application has been filed under Section 19 of the Administrative (Tribunals) Act, 1985 for a direction to the respondents to make payment of all post-retiral dues of late Bhagwan Din, Running Room Bearer in the office of T.T. Mirzapur to the applicant with interest.

Contd..2

A further direction to the respondents is sought for giving appointment to the applicant in class IV on compassionate ground.

2. The case of the applicant is that her father was working as Running Room Bearer/<sup>Receiving</sup> Porter in the office of Respondent No.4, <sup>and he</sup> ~~who~~ died in harness on 12th January, 1987. After her father's death, her mother applied for compassionate appointment as well as payment of post-retiral benefits. The mother of the applicant also expired on 25th June, 1991. The applicant claims to be the only legal heir of the deceased on the basis of certificate issued by the Tehsildar, Soraon. The applicant has also filed a claim with the Railways for compassionate appointment as well as for post-retiral benefits. This gives rise to the present application.

3. The arguments of Sri R.K. Srivastava, brief holder of Sri B.P. Yadav, learned counsel for the applicant and Sri S.D. Kapoor, brief holder for Sri G.P. Agarwal, learned counsel for the Respondents have been heard.

4. The learned counsel for the applicant has stated that several representations were made by the applicant before the Respondents and the Respondents have maintained a date-wise record of the inquiry done by them, which is annexed as Annexure No.7 to the O.A. It appears from the note dated 9.11.1994 in Annexure No.7 that the applicant had submitted documents regarding caste certificate, death certificate, copy of Kutumb Register, death certificate given by

Gram Pradhan, Succession Certificate given by the Tehsildar, representation of the applicant regarding compassionate appointment along with affidavit and representation regarding payment of dues not received by the applicant were received by the Respondents.

5. The learned counsel for the Respondents has denied the claim of the applicant for compassionate appointment on the ground that both father and mother were dead and the applicant is a married daughter and is, therefore, not a dependant of the deceased employee. It is also mentioned that in exceptional cases, the appointment of a married daughter is considered, if she has to work as a bread-winner of the deceased employee's dependants. With regard to the dues of the deceased employee, the Respondents deny the claim of the applicant due to non-availability of service record of late Sri Bhagwan Din and as regards the existence of a cause of termination of service of the deceased employee, the learned counsel for the Respondents is unable to say as to whether the deceased employee was given any notice or his employment was terminated before his death. He has further mentioned that the claim of the applicant has been referred to the Railway Board. As regards the Provident Fund, the Respondents have mentioned in their counter reply that the amount can be paid to the legal heir on submission of his/her identity on proper claim.

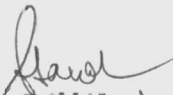
6. I have considered the submissions made by the learned counsels and the pleadings on record.

Contd..4

The applicant has shown that he has been making efforts from at least 1994 onwards for receiving the dues payable to her deceased father and mother, but appears to have got nowhere and, that is why, this Application had to be filed. The Respondents have mentioned that since the claim is old and the deceased employee was absconding after 1997, the claim has been referred to the Railway Board. The Railway Board was required to deal with the claim of the applicant expeditiously, but appears to have not given any attention to it.

7. Under the circumstances, I direct the Respondent No.2, who is the Secretary, Railway Board, Baroda House, New Delhi to consider the claim of the applicant for payment of retiral benefits of her father and arrears of Family Pension, if admissible, for her mother. It appears that no reply has been given to the applicant, regarding her prayer for compassionate appointment. The Respondent No.3 is directed to consider her prayer for the same and give a reasoned order. Both these directions to Respondent Nos.2 & 3 shall be complied within a period of three months from the date of receipt of a copy of this order.

There shall be no order as to costs.

  
( S. DAYAL )  
MEMBER (A)

Nath/