

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 9TH DAY OF JANUARY, 2001

Original Application No.1392 of 2000

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Vikas Garg alias Umesh Vikas Vishal
Son of Shri Krishna Murari Gupta
R/o C/o H.M.Mittal, House No.23,L.I.C
Colony near Ashopa Hospital Gailana
Road, Agra, U.P.

... Applicant

(By Adv: Shri R.M.Shukla)

Versus

1. The Union of India through
Chief Engineer(MES) Headquarters
Central Command, Lucknow.
2. The Commander Works Engineer(Headquarters)
112 Taj Road, Agra Cantt.
3. The Garrison Engineer(West) Agra Cantt.

... Respondents

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

The facts stated in this application are that father of the applicant Shri Krishna Murari Gupta was serving as Daftri/Peon under respondent no.3 the Garrison Engineer(W) Agra Cantt. He died on 19.3.1998. The applicant made an application for appointment on compassionate ground which has been rejected by order dated 21.1.2000 on the ground that there is contradiction in date of birth as well as in the name of the applicant and as identity is not established his claim cannot be considered. Mother of the applicant then made an application which has also been rejected by order dated 26.3.2000 with the observation that applicant may obtain a declaration from the judicial court.

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Considering the facts and circumstances of the case particularly difference in date of birth and the name in my opinion, the view taken by the respondents cannot be said to be arbitrary or illegal. The applicant has not been able to make out any case for interference by this Tribunal. However, if advised, he may file a suit for declaration about his status as son of late Krishna Murari Gupta.

~~Subject to the aforesaid observation and~~ If such a suit is filed it shall be considered and decided on the basis of the material filed and this order will not come in the way of the applicant. ^{Subject to aforesaid} The application is disposed of finally. There will be no order as to costs.


VICE CHAIRMAN

Dated: 9.1.2001

Uv/