

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 30th day of October, 2001.

Original Application No.314 of 2000.

CORAM :-

Hon'ble Mr. Rafiquddin, J.M.

Subhawati Devi Widow of A.P. Mishra,
Office Superintendent GM Office, N.E. Rly,
R/o Durga Mandir, Ram Janki Nagar,
Basaratpur, Gorakhpur.
(Sri S.K. Oam, Advocate)

. Applicant

Versus

1. Union of India through
General Manager, N.E. Rly,
Gorakhpur.
2. General Manager (P),
NE Rly, Gorakhpur.
(Sri KP Singh, Advocate)

. Respondents

ORDER (O_r_a_l)

By Hon'ble Mr. Rafiquddin, J.M.

This OA has been filed by Smt. Subhawati Devi for issuing a direction to the respondents to appoint her on compassionate ground in Group 'D' service.

2. Briefly stated the case of the applicant is that Late Sri A.P. Mishra ^{who R} was O.S. in the Office of General Manager, N.E. Rly, Gorakhpur ¹ ~~who~~ died in harness on 19-4-1995 while in service. Sri A.P. Mishra had married one Kesari Devi, who was issueless, hence, Sri Mishra married the applicant. According to the applicant both wives are living together. Out of wedlock of the applicant and Sri A.P. Mishra four sons and two daughters were born. After death of her husband the family became in distress having no other source of livelihood. Hence, the applicant

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submitted an application for appointment of her daughter Km. Pratibha Mishra on compassionate ground on 15-1-1998. However, since Km. Pratibha Mishra was of marriageable age the respondents were requested vide application dated 20-1-1999 to appoint her minor son Kartikeya Mishra on attaining the age of majority on 8-9-2012. However, since the family was under great hardship, therefore, the respondent no.1 was requested for appointment of the applicant on compassionate ground through application dated 15-11-1999. The respondents have not considered and passed any order on the aforesaid application and hence the applicant has filed the present OA seeking appointment on compassionate ground on the basis of Master Circular issued by the Railway Board.

3. I have heard counsel for both sides and perused the record.

4. The claim of the applicant has been contested mainly on the ground that the applications mentioned by the applicant in the OA are not traceable in the office of respondents and the applicant being widow, her application is not in terms of the provisions contained in Railway Board Circular dated 02-1-1992.

5. Learned counsel for the applicant has on the other hand contended that the applications were duly submitted before the respondents which was duly signed by the Secretary of the General Manager, N.E. Railway. It is further stated that the husband of the applicant had duly informed the concerned authority regarding his marriage that the applicant had also taken due permission and in pursuance of this her name was also entered in the official record as legally wedded wife. The applicant has also been paid terminal dues of her husband after his death

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6. After having heard learned counsel for the parties and perusing record the OA is disposed of with permission to the applicant to submit a fresh application on prescribed proforma before respondent no.2 who will examine the case of the applicant for appointment on Group 'D' post on compassionate ground as per rules and pass appropriate orders within a period of two months from the date of receipt of such application alongwith a copy of this order. There shall be no order as to costs.

Rajiv Kumar
Member (J)

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