

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1029 OF 2002

ALLAHABAD, THIS THE 13th DAY OF FEBRUARY, 2004

HON'BLE MR. JUSTICE S.R. SINGH, V.C.

Smt. Uma Devi
w/o Late Keshav Ram,
r/o Jaiswal School Road,
Bikas Nagar, Mughalsarai, Chandauli.

.....Applicant

(By Advocate : Shri S.K. Dey
Shri S.K. Mishra)

V E R S U S

1. Union of India through the General Manager,
E. Railway, Calcutta.
2. The Divisional Railway Manager,
E. Railway, Mughalsarai,
District- Chandauli.

.....Respondents

(By Advocate : Shri K.P. Singh)

O R D E R

Heard counsel for the parties and perused the
pleadings.

2. Late Keshav Ram, a Diesel Mechanic Fitter Grade III in
Eastern Railway, Mughalsari, died in harness on 12.11.1999.
The applicant staked her claim for compassionate appointment
as widow of the deceased. Her application was rejected by a
cryptic order dated 20.02.2001 without assigning any reason.
The applicant filed O.A. No.210/2002(SMT. UMA DEVI VS. U.O.I. &
ANOTHER). The O.A. was disposed off by order dated 02.05.2002

Parj

(Annexure A-3) with direction to the respondent No.2 to reconsider the case of the applicant for appointment on compassionate grounds and pass a reasoned and speaking order within a period of 3 months. Consequent upon the said order, the matter was reconsidered and the Divisional Railway Manager passed a fresh order dated 29.07.2002 (Annexure A-4) thereby rejecting the applicant's claim for appointment on compassionate grounds on the premises that she was not the legally weded wife of the deceased Railway employee. The order dated 29.07.2002 reads as under:-

"As per extant rules only the Son/Daughter/Widow/Widower of the employee is eligible to be appointed on compassionate ground in the circumstances in which such appointments are permissible. Smt. Usha Devi has claimed to be second wife of Shri Keshav Ram and applied for appointment on compassionate ground after death of Shri Keshav Ram. Smt. Uma Devi cannot be considered legal wife of Ex-Railway employee as she was earlier married to Shri Munna Singh in the year 1984 and without any legal separation from her first husband she married Shri Keshav Ram on 09.02.1991. This fact has already been acknowledged by her in her disposition dated 10.02.2000, during the course of enquiry by Welfare Inspector. Her disposition clearly establishes that she is not legal wife of deceased railway employee and as such her request for appointment on compassionate ground is regretted."

3. It is submitted by the counsel appearing for the applicant that she had married Keshav Ram on 09.02.1991 in accordance with the custom prevailing in the community and the Divisional Railway Manager was not justified in holding that the applicant was not the legal wife of the deceased railway employee, merely because she had married with Keshav Ram without any legal separation from her first husband. The applicant, it is evident from Annexure RA-I was mentioned as widow of Late Keshav Ram in Card No.2030, which contains the details of family of the applicant i.e. sons and

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daughter. The applicant received all the pensionary benefits as widow of Late Keshav Ram. The Divisional Railway Manager did not go into the question whether marriage of the applicant was permissible in accordance with custome prevailing in the community even without a legal separation from her first husband. The order impugned herein can not therefore be sustained in law.

4. Accordingly, the O.A. succeeds and is allowed. The impugned order dated 29.07.2002(Annexure A-4) is set aside. The respondent No.2 i.e. D.R.M. E. Railway, Mughalsarai is directed to reconsider the applicant's claim for compassionate appointment taking her to be the widow of Late Keshav Ram within a period of 3 months from the date of receipt of a copy of this order. No costs.

PSG
Vice-Chairman

shukla/-