

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NUMBER :- 1061/02

THURSDAY, THIS THE 27TH DAY OF MARCH, 2003

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

Luxmi Devi,
w/o Shri Dularey Lal
r/o 21, Akbar Road,
New Cantt.
Allahabad.

...

....Applicant.

(By Advocate:- Shri S.K.Tyagi)

Versus

1. Union of India through the General
Manager Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Allahabad.

....Respondents.

(By Advocate:- Shri A.K.Gaur)

O R D E R

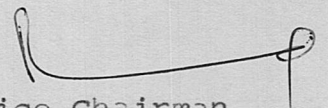
This O.A has been filed by Luxmi Devi, w/o
Dularey Lal for a direction to respondents to give
suitable employment to her on compassionate ground.

2. The facts of the case are that husband of
applicant Dularey Lal was appointed as Class-IV employee
on 14-4-1961 in due course he was granted promotion
to Group 'C' post and w.e.f. 9.1.1981 he was appointed
as Clerk Group-II. Shri Dularey Lal sought voluntary
retirement from the post which was accepted and he
was retired on 30-4-1986. In 1993[^], after about 7 years
he made a request to the respondents for his re-employment
on the ground that his mental condition has improved
and he had tendered voluntary retirement, while he was
mentally not sound. However, his request was not

accepted by respondents. Dularey Lal then filed O.A 189/93. The O.A was dismissed on 18-5-2001 by following ~~Order~~:-

"...The position now is that the applicant has already attained the age of superannuation and no effective relief can be granted to the applicant. The O.A is accordingly dismissed as it has become infructuous. So far as the dues which are out standing and payable to the applicant. He may approach the respondents by making a fresh representation which shall be considered and decided within a period of one month thereafter."

Now the wife has filed this O.A for direction to respondents to give her employment. I do not find any rule under which applicant may be entitled for relief. Husband of applicant retired from service under rules. It is not clear so far as the question whether he was mentally sound for seeking voluntary retirement or not, can not be gone into, in this O.A. The voluntary retirement sought by husband became final as it was not challenged before any court of Tribunal. The dispute raised was with regard to re-employment. In these circumstances the claim of the applicant has no force and O.A is liable to be rejected. The O.A is accordingly dismissed with no order as to costs.


Vice Chairman

Madhu/