

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 294 OF 2003

WEDNESDAY, THIS THE 2ND DAY OF APRIL, 2003

HON. MAJ GEN K K SRIVASTAVA, MEMBER (A)
HON. MRS. MEERA CHHIBBER, MEMBER (J)

Smt. Sudami Devi
w/o Late Hardev Yadav
r/o Village Karjaha,
Post Lara Road,
Dist:- Deoria.

... ... Applicant.

(By Advocate:- Shri R.P.Yadav)

Versus

1. Union of India through
Ministry of Railways
Rail Bhawan,
New Delhi.

5. Shri Bandhan Yadav,
s/o Ram Kishan
r/o Village Karjaha
Post Lara Road,
Dist:- Deoria.

2. General Manager
North Eastern Railway
Gorakhpur.

3. Divisional Railway Manager
North Eastern Railway
Varanasi

4. Divisional Railway Manager
North Eastern Railway
Varanasi.

.... ..Respondent

(By Advocate:-Shri K.P.Singh)

O R D E R

HON. MRS. MEERA CHHIBBER, MEMBER (J)

In this case grievance of the applicant is that her husband late Shri Hardev Yadav was posted as Lamp Man in North Eastern Railway, Varanasi and he died on 20-6-1969 due to an accident leaving behind widow and small child.

Since the applicant was not in a condition to work she proposed respondent no. 5 her brother in law Shri Bandhan Yadav for appointment on compassionate agreement that



he will maintain the applicant for rest of life. It was in view of this agreement that the Railways accepted the plea of respondents no. 5 and approved his compassionate appointment (Annexure-2). It is submitted by the applicant that initially respondent no. 5 ordered his commitment by giving maintenance to the applicant but subsequently he stopped paying the same. He is presently posted as Station Superintendent at Railway Station, Khurhat in district Deoria of North Eastern Railway from where he is getting handsome salary. Therefore, the applicant gave a complaint before the competent authority and an inquiry was also done and thereafter letter was issued on 27-4-2000 stating therein that respondent no. 5 is agreed to pay the maintenance expenses to the applicant (Annexure-3). But inspite of it respondents no. 5 did not make any payment. Therefore, she filed O.A1484/00 which was disposed of on 5-2-2001 by giving a direction to the respondents to dispose of the applicant's representation. It is pursuant to the direction given by the Tribunal that respondents have issued order dated 31-2-2002 stating therein the reasons as to why her application can not be allowed (page 13). It is this order which has been challenged by the applicant in the present O.A.



2. We have heard the applicant's counsel and perused the pleadings as well.

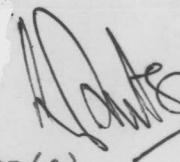
3. Perusal of Annexure-2 shows that Shri Bandhan Yadav, brother of Late Hardev Yadav, was given compassionate appointment but it ~~nowhere~~ shows that this appointment was conditional or with the stipulation that the respondent no. 5 would give maintenance to the applicant. On the other hand, in the order dated 31-1-2002 respondents have stated categorically that applicant had not even given any application after death of her husband and respondents no. 5 was given compassionate appointment only on an application made by his father. Therefore, it can not be said that the appointment given to Shri Bandhan Yadav was conditional in any way. If applicant had entered into any agreement with respondent no. 5 in their personal capacity that would not be known to the authorities at all nor that ~~can be executed by the Tribunal in this manner~~ ^{fashion B} The applicant's husband had died somewhere in the year 1969. The first O.A was filed by the applicant in the year 2000 and the present B.A has been filed now on 13-3-2003, almost after 30 years of the death of her husband. There is no ^{any} provision under law by ~~any~~ court can give direction to the respondents to give maintenance to the applicant nor applicant has been able to show us, by placing any document on record, that there was indeed any such agreement between respondent no. 5 and the applicant. Even otherwise the

order dated 31-1-2001 shows that applicant's son, is already engaged with the Railways itself as Gatekeeper in the scale of Rs. 2550-3200 and applicant is also getting the monthly pension at the rate of Rs. 1275/- + D.A. Therefore, in our considered view, no relief has claimed by the applicant, can be given by the Tribunal. It is However, left open to the applicant that in case there is any valid agreement entered into between her and respondents no. 5 she may get it executed by filing proceedings in appropriate court.

4. With the above observation, this D.A is dismissed with no order as to costs.



Member (J)



Member (A)

Madhu/