

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH**  
**ALLAHABAD**

(THIS THE 30<sup>th</sup> DAY OF JUNE 2009)

**PRESENT**

**HON'BLE Mr. JUSTICE A.K.Yog MEMBER (J)**

**HON'BLE Mrs. Manjulika Gautam MEMBER (A)**

**ORIGINAL APPLICATION No 448 OF 2003.**  
(Under Section 19, Administrative Tribunal Act, 1985)

1. Smt. Natho Devi, widow of Bikhari Lal
2. Vinod Kumar, Son of Bikhari Lal
3. Vinesh Kumar, son of Bikhari Lal
4. Dinesh Kumar, son of Bikhari Lal
5. Vineeta Daughter of Bikhari Lal
6. Suneeta, daughter of Bikhari Lal

All residents of Mohalla Lotanpura District- Badaun.

.....Applicant.

Rep. by Advocate: Sri M. K. Upadhaya

Versus

1. Union of India, through Secretary, Ministry of Communication, New Delhi. Dak Bhawan Sansad Marg, New Delhi-110001.
2. Superintendent of Post Offices Badaun (U.P.).
3. Sub-Divisional (Inspector Post) South Sub-Division, Badaun.

..... Respondents.

Rep. by Advocate: Shri R. K. Mishra.

**ORDER**

**( DELIVERED BY: JUSTICE A.K. YOG-MEMBER-JUDICIAL )**

1. Heard Shri M.K. Upadhyay, Advocate on behalf of the applicant and Shri S.K. Pandey, holding brief of Shri R.K. Srivastava, representing the respondents. Perused the pleadings and the documents on record.

2. We may place on record that legal representative of deceased employee Bikhari Lal have filed above noted OA No.448 of 2003.

*Aw*



Above fact ought to have been indicated in the array of parties. In fact OA should have been filed in the name of Bikhari Lal-Deceased)-Legal Representatives. One Bikhari Lal, an employee of the respondent department (postal) was subjected to disciplinary proceedings culminating into punishment of removal from service vide office order dated 23.07.1984. Said order was challenged in appeal which was rejected vide order dated 1.5.1989. Feeling aggrieved, Bikhari Lal approached this Tribunal and filed OA No.391 of 1990 which was decided on 10.09.2008; copy filed as Annexure A-4. In pursuance to the said order of the Tribunal a notice of dis-agreement dated 8.6.1999 was issued (Annexure A-5). Bikhari Lal submitted reply. The respondent authorities refused to accept the contention of the applicant and without giving reasons again passed order of removal on 07.08.1999 (Annexure-1). Meanwhile Bikhari Lal died and his 'Widow' sons and daughter (being Legal Representatives) have filed above-noted OA No.448 of 2003.

3. We have perused the impugned order dated 7.8.1999 (Annexure A-1) and are in full agreement with the contentions made on behalf of the applicant. The legal representatives/heirs of the deceased employee (Bikhari Lal) have claimed following reliefs (in the present OA):-

8. Relief Sought

*In view of fact mentioned in para-4 the father of applicant prayed for following reliefs:*

- (i) *To issue an order, Rule or direction commanding the respondent to quash the order dated 7-8-1999 and order dated 5-9-2002 and to give wages and allowances to the legal heirs to the deceased employee.*
- (ii) *To issue an order, Rule or direction in the nature of mandamus commanding the respondents to give the all the monetary benefits to the applicants w.e.f. 23-7-1984 to 7-8-1999.*



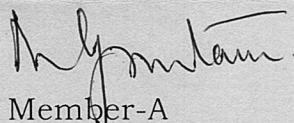


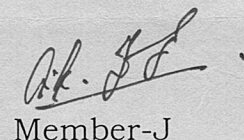
- (iii) *To issue an order, Rule or direction in the nature of mandamus that after setting aside the removal order dated 7-8-1999 and Appellate order dated 5-9-2002 and to give all pensionary benefits to the applicants.*
- (iv) *To, issue or grant any other relief which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.*
- (v) *To Award the cost of application in the favour of the applicant".*

4. In view of the above, we set aside the order dated 7.8.1999 (Annexure A-1). On perusing the impugned order dated 7.8.1999, it is apparent that there is only narration of facts/past history (without referring to the specific contentions raised by the employee in his defence) and thereafter conclusion which is not enough in absence of reasons. Impugned order is thus a nullity. The other impugned order dated 5.9.2002 suffers from manifest error.

5. Consequently, we set aside the impugned orders dated 7.8.1999/Annexure A-1 and 5.9.2002/Annexure A-2 respectively and direct the respondent to extend consequential pecuniary benefits which the deceased employee would have been entitled w.e.f. 23.7.1984 to 07.08.1999 treating deceased employee notionally in service as well as all consequential post-retrial benefits to the legal representatives/heirs of the deceased employee (Bikhari Lal).

6. OA stands allowed subject to above directions. No Costs.

  
Member-A

  
Member-J

/ns/