

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 5th DAY OF JANUARY, 2011)

PRESENT:

HON'BLE MR. S.N. SHUKLA, MEMBER-A

ORIGINAL APPLICATION NO. 542 OF 2007
(U/s, 19 Administrative Tribunal Act, 1985)

Smt. Sudha Singh, W/o Late Jaywant Singh,
R/o Meral Babu Chauhan, 85B, Civil Lines, Bareilly
Presently residing at 17D, Plot No.02 Gola, Guru Dwara,
Raj Nagar Jwalapur near Railway Station Hardwar.

.....Applicant

By Advocate: Shri A. N. Rai

Versus

1. Union of India, through its General Manager,
North Eastern Railway, Gorakhpur.
2. The Divisional Manager,
North Eastern Railway, Gorakhpur.
3. The Chief Manager, Workshop North Eastern Railway,
Ijat Nagar, Bareilly.
4. The Senior Account Officer (W) NER, Ijat Nagar, Bareilly.

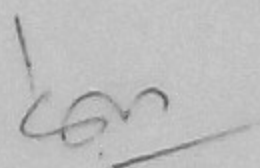
..... Respondents

By Advocate: Shri P. Mathur

ORDER

Heard Shri A.N. Rai, learned counsel for the applicant and
Shri P. Mathur, learned counsel for the respondents. This OA is
filed seeking quashing of order dated 23.04.2007 (Annexure A-5).
The order reads as under:-

“कार्यालय मुख्य कारखाना प्रगन्धक कार्मिक
सख्या ई पीसी जयवन्त सिंह 7003 इज्जत नगर 23.04.2007
श्रीमती सुखा सिंह
द्वारा मरल बाबू चौहान



85 बी सिविल लाइन्स बरेली ।

विषय स्व० जयवन्त सिंह भू०पू० खलासी टि०स० 7003 कारखाना इज्जतनगर के मृत्योपरान्त अनुकम्पा नियुक्ति के सम्बन्ध में ।

संदर्भ आपका आवेदन दिनांक 26.03.2007

माननीय कमेट इलाहाबाद द्विजश्रद्धा टि०स० 784/2006 पर दिनांक 16.03.07 के निर्णय के परिप्रेक्ष्य में आपको अवगत कराया जाता है कि आपके द्वारा दिनांक 10.11.2000 को अपने पुत्र श्री दीपक सिंह की अनुकम्पा नियुक्ति का प्रोफार्मा पर यथाप्राप्त पूर्ण रूप से भरा एवं अग्रसारित आवेदन प्राप्त होने नियुक्ति सम्बन्धी कार्यवाही करके श्री दीपक सिंह का दिनांक 03.09.03 को चतुर्थ श्रेणी में नियुक्ति प्रदान की गयी है । इस बीच आपके द्वारा अपनी नियुक्ति के सम्बन्ध में भी कहा गया । अन्ततः निरीक्षक द्वारा की गई जाँच के दौरान आपके द्वारा दिनांक 28.03.02 को अपने पुत्र को नौकरी देने का आवेदन दिया गया । इसी आधार पर श्री दीपक सिंह की अनुकम्पा आधार नियुक्ति पर कार्यवाही की गई ।

यहाँ यह विशेष रूप से उल्लेखनीय है कि जाचोपरान्त यह तथ्य प्रकाश में आया कि आपके द्वारा अपने पति के जीवन काल में ही श्री बाबूराम रवि से दिनांक 24.06.95 को विवाह कर लिया गया था । पुनर्विवाह कर लेने पर आप स्व० जयवन्त सिंह की विधवा पत्नी नहीं रह जाती है जिस कारण आपका स्व० जयवन्त सिंह की मृत्योपरान्त किसी भी देय लाभ पर आपका हक स्वतः ही समाप्त हो जाता है । उल्लेखनीय है कि इस सम्बन्ध में आपसे स्पष्टीकरण भी मांगे गये जिसका उत्तर आपके द्वारा नहीं दिया गया और न ही कोई स्पष्टीकरण कार्यालय में उपस्थिति होकर प्रस्तुत किया गया है । उक्त वर्णित तथ्यों के आधार पर आपको स्व० जयवन्त सिंह की मृत्यु के पश्चात अनुकम्पा नियुक्ति देय नहीं है ।”

2. Certain other annexures have been filed along with the OA such as Annexure A-1 being an application dated 25.01.2001, Annexure A-2 being an application dated 16.02.2006 and Annexure A-4 being an application dated 26.03.2007. In all these petitions addressed to the competent authority the applicant has requested for an appointment for herself on compassionate grounds on the death Shri Jaywant Singh Late husband of the applicant.

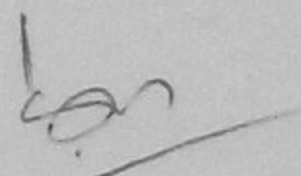
3. Earlier the applicant had approached this Tribunal in OA No.784/06 which was disposed of with direction to the respondent no.3 to take a decision on the application dated 25.05.2000 in accordance with rules within a specified period. The impugned order dated 23.04.2007 is in compliance of directions of this Tribunal in OA No.784/06 dated 16.03.2007 though erroneously the reference in the said compliance order has been made to the application dated 26.06.2007 as against application dated 25.05.2000 indicated in our order. The application dated

25.05.2000 placed at Annexure A-1 is also perused and contents of this application are also the same i.e. seeking an appointment on compassionate grounds for the applicant.

4. Learned counsel for the respondents Shri P. Mathur invites attention of this Tribunal to Annexure CA-1 being an order dated 03.09.2003 having the effect of appointment on compassionate grounds to Shri Deepak Singh of Late Jaywant Singh and submitted that in view of the son of the applicant having been already appointed on compassionate grounds as per her own request vide application dated 10.11.2010 (Annexure A-5), any question of another appointment on compassionate grounds is not provided as per rules.

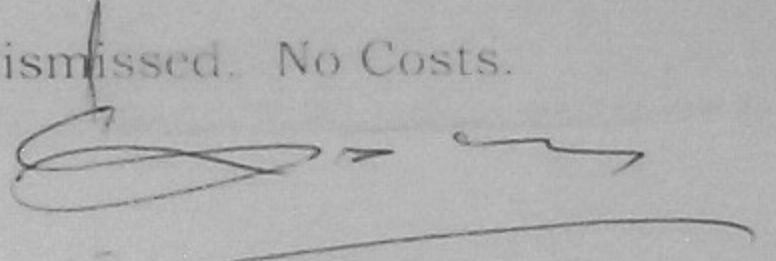
5. Learned counsel for the applicant on the other hand submitted that as per the condition in the appointment letter of Shri Deepak Singh it was stipulated that in the event of he (Shri Deepak Singh) refusing to take care of the remaining survivors of deceased employee his services can be dispensed with and submitted that Shri Deepak Singh is no longer discharging his responsibilities towards the applicant. A representation to this effect has been made to the authorities vide diary dated 10.12.2001(?) placed at page 33 of the CA.

6. Heard the counsel for the parties and perused the material on record. On the facts of this case this Tribunal is firmly of the opinion that the relief claimed by the applicant vide this OA is not maintainable for the reasons of her son having already been appointed at her own request. In so far the non compliance of the



stipulation in the appointment letter of Shri Deepak Singh is concerned, the remedy does not lie in this Tribunal and in any event there is no stipulation that the event of the newly appointed employee (Sri Deepak Singh) failing to discharge his social duties the appointment will be given to his mother (applicant).

7. With these observations, the OA is dismissed. No Costs.


Member-A

/ns/