

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

O.A. No. 670 1987  
~~XXXXXX~~

DATE OF DECISION 23.12.1987

~~Smt. Sumitraben w/o Nathu Parthi~~ Petitioner

Shri A.M. Saiyad Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Shri N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. D.S. Mishra .. Administrative Member

The Hon'ble Mr. P.M. Joshi .. Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

Smt. Sumitraben  
Widow of Nathu Parthi,  
Village Zari,  
Post Office Himala,  
Via Anas, Tal. Dahod,  
District : Panch Mahal

.. Applicant

Versus

1. Union of India,  
Through General Manager,  
Western Railway, Churchgate,  
Bombay.
2. The Divl. Railway Manager,  
Ratlam Division, W.Rly.,  
Ratlam
3. The Divl. Engineer,  
Western Railway,  
Ratlam.

.. Respondents.

CORAM : Hon'ble Mr. D.S. Mishra .. Administrative  
Member

Hon'ble Mr. P.M. Joshi .. Judicial Member

O R A L O R D E R

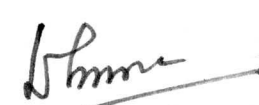
23.12.1987.

Per : Hon'ble Mr. P.M. Joshi .. Judicial Member

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner Smt. Sumitraben widow of Nathu Parthi has claimed the relief of appointment to class - IV (Group D Service) on compassionate ground. She has also prayed that benefits including pension, gratuity, provident fund etc. on the death of her husband should be granted to her. According to the case set up by the petitioner, her husband was serving as Casual Labour - substitute. It is alleged that even though her husband died in harness, her representations are not considered by the General Manager and hence she has been constrained to file this application.

A preliminary question of jurisdiction was raised at the time of admission to which Mr. A.M. Saiyad, the learned counsel for the applicant stated that even though the petitioner's husband was posted or employed at Ratlam, he was required to work on Baroda line, and the petitioner is staying at Dahod and her husband died in Railway Premises of Dahod and hence in his submission, this Tribunal would have jurisdiction to entertain this application. It is not possible to accept the submissions of Mr. Saiyad made in this regard. The Rule 6 of the Central Administrative Tribunal (Procedure Rule) 1985 provides that the application is to be filed before the additional bench of the Tribunal within whose jurisdiction the applicant is posted. Admittedly, the petitioner's husband Shri Nathu Parthi was engaged as Casual Labour under P.W.I. ( South - Western Railway ) Ratlam and while he was on job it is stated that he was killed during the night between 29.1.1985 and 30.1.1985. In light of the facts of the circumstances of this case, this Tribunal has no jurisdiction to entertain this application. The application is therefore rejected at the stage of admission. However, the petitioner will be at liberty to move the Tribunal of the competent of the jurisdiction.

  
( P M Joshi )  
Judicial Member

  
( D S Mishra )  
Administrative Member

\*Mogera