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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 22.8.1995

DA No. 302/1995

Smt. Ujeera ... Applicant.

v e r s u s

Union of India & Ors. ... Respondents.

Mr. K. Moinuddin, Counsel for the applicant.

CORAM:

Hon'ble Mr. N.K. Verma, Adm. Member

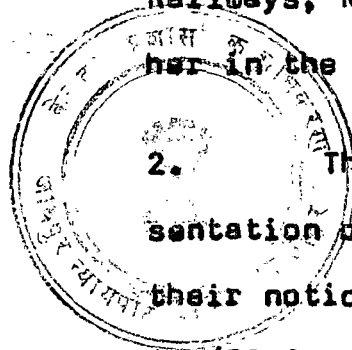
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BY THE COURT:

Heard Shri Moinuddin, learned counsel for the applicant, who seeks employment to her son on compassionate ground in the Railway. Applicant is the widow of late Shri Ibrahim Khan, Gangman, who died in harness in an accident on 22.11.1962. At the time of his death, he had left three daughters and one son aged only 2 months. The applicant made an application dated 18.12.81 nearly 19 years after the death of the deceased employee for appointment to her son on compassionate ground. It is alleged that no reply was sent in response to her application and thereafter, she made another attempt in 1984 which again was visited with no reply. She made another attempt only in April, 1990, which was replied by the respondents-Railway Department saying that the case of compassionate appointment to her son was not covered

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under the Rules as she had not approached the Railways within five years on the death of the deceased employee or after completion of the age of 18 years of first son / daughter. Thereafter, the matter has been under correspondence and the applicant also filed a fresh OA No. 118/93 before this Bench of the Tribunal which was disposed of on 13.4.1993 with the direction that the Railway-respondents will inquire into the matter and send a reply to the applicant or her son Shri Noor Mohammed within two months from the date of the order by a speaking order. Thereafter, the matter does not seem to have been pursued with the Railways and the OA is now filed again that Annexure A/1 dated 30.8.1993 which is a letter from the Cabinet Secretariat informing the applicant that her application has been sent to the General Manager, Northern Railways, New Delhi, for examination and informing her in the matter.



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2. The applicant had sent a registered representation on 27.7.1993 to the Railways bringing to their notice the orders of this Tribunal in OA No. 118/93 for final orders in the matter. It is alleged that no reply to this representation has been received by the applicant from the Railways. This matter is now being litigated through this OA which is totally barred by the principles of res judicata. If the Railways have not complied with the orders of this

Bench of the Tribunal, the applicant was entitled to bring a Contempt Petition against the respondents which she did not do. She has now come up with a fresh OA in the matter which is not admissible under the law. The OA is, therefore, dismissed in limine.


(N.K. VERMA)
MEMBER (A)

cvr.