

(1/15)

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

Original Application No. 44/2008

Date of order: 16.04.2008

HON'BLE MR. JUSTICE A.K. YOG, JUDICIAL MEMBER.

Smt. Kanchan Devi w/o Shri Gopalpuri, aged about 35 years R/o Subhash Nagar, Near 100 Metre Phatak, Merta Road JN NWR, Distt. Nagaur, her missing husband Gokulpuri was last employed on the post of Compressor Driver SK-III, in the office of Senior Section Engineer C & W Depot, Merta Road Jn. NWR, Distt. Nagaur.

...Applicant.

Shri J.K. Mishra & Shri A.K. Kaushik, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Railway, Jaipur, Ganpati Nagar, Opp. Railway Hospital, Hasanpura Road, Jaipur - 302006.
2. Senior Divisional Personnel Officer, North Western Railway, Jodhpur Division, Jodhpur.
3. Divisional Mechanical Engineer (C & W), North Western Railway, Jodhpur Division, Jodhpur.

...Respondents.

Shri Salil Trivedi, counsel for respondents.



ORDER

Per Mr. Justice A.K. Yog, Member (J)

Heard Shri J.K. Mishra, along with Shri A.K. Kaushik, Advocates, representing the applicant and Shri Salil Trivedi, Advocate, representing the respondents.

(Signature)

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Shri Salil Trivedi, Advocate, made a statement that he has filed his 'Vakalatnama' on behalf of all the respondents in the Registry today. He is being heard. He prays for time to seek instructions and / or file counter / reply.

Considering the nature of the case, the facts stated in the O.A. and the order proposed, no useful purpose appears to be served by asking the respondents to file counter / reply.

Gokulpuri (husband of the applicant/Smt. Kanchan Devi) was an employee of the respondents / Railways and while he was discharging duties on the post of Compressor Driver SK-III in the office of Senior Section Engineer C & W, NWR, Merta Road, on 02.09.2005 he went to attend some Meeting of NWR Employees Union at Jodhpur but never returned; an F.I.R. at Police Station, Merta Road on 18.12.2005 is said to have been lodged and the same was transferred to G.R.P. Merta Road on 20.12.2005; the concerned SHO submitted his report on 16.11.2007 (Annexure A/1 to the O.A.) indicating that Gokulpuri / missing person could not be traced out (though search was continuing); members of the family of missing employee made all efforts at their end including giving public notice in Newspapers but with no aware; the family of the missing Govt. servant consists of the applicant/wife, two sons and two daughters who are pursuing their studies but they have no other



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source of livelihood apart from liability to pay loan taken for construction dwelling house and lastly the applicant approached the respondents by raising her grievances in the shape of representation / application dated 05.12.2007 - Annexure A/3 to the O.A. (referred to para 2,3,4 and 5 of the O.A.), which has not been decided and hence the present O.A. praying for issuing a direction to the Respondents to pay family pension and other retiral benefits, as may be available in law, on provisional basis in respect of Gokulpuri/missing husband of the applicant.

In view of the facts disclosed in the present O.A., I am of the opinion that the applicant should again approach the Department / Respondents who should consider and decide the grievance of the Applicant.

Consequently, I direct the applicant to file a certified copy of this order along with a copy of the O.A. (with all annexures) as well as an additional representation (if so advised) within four weeks from today before Respondent No. 2 / Senior Divisional Personnel Officer, North Western Railway, Jodhpur Division, Jodhpur and said authority shall decide the Representation of the Applicant exercising unfettered discretion by passing a reasoned / speaking order in accordance with relevant orders / statutory provisions and record before it after giving opportunity of hearing to the applicant, within two months of receipt of certified copy of this order (as contemplated above). Decision taken on



[Signature]

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the representation of the applicant, ^{as} as contemplated above, shall be communicated to the applicant forthwith.



Original Application No. 44/2008 stands finally disposed of with the above directions.

No costs.

[A.K. Yog]
Member (J)

Kumawat

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Part II and III destroyed
in my presence on 15/1/14
under the supervision of
section officer () as per
order dated 13/8/2014
Section officer (Records)