

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 71 of 2011

This the 18th day of February, 2011

Hon'ble Mr. Justice Alok Kumar Singh ,Member-J

Babadeen, Aged about 35 years, S/o late Mangal Prasad, R/o Village Lalaipur Hemlet Ashokpur Post Dhabharai, District Gonda.

.....Applicant

By Advocate : Sri J.K. Verma

Versus.

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway, Izatnagar.
3. Sr. Divisional Personnel Officer, North Eastern Railway, Izatnagar.
4. Section Engineer Works, North Eastern Railway, Pratapgarh.

.....Respondents.

By Advocate : Sri N. Nath

O R D E R

Preliminary objection against the maintainability of O.A. filed today is taken on record.

2. Heard and perused the record.
3. This O.A. has been filed for a direction to the respondents to consider the claim of the applicant for compassionate appointment within stipulated period.
4. From the respondents' side, the first preliminary objection is that the matter pertains to Fatehgarh as cause of action accrued there only and Fatehgarh does not come within the territorial jurisdiction of this Tribunal. There is no satisfactory answer from the side of the applicant on this point. The second objection is that earlier O.A. no. 35 of 2011 – Sunder Pata & Baba Deen Vs. Union of India & Others has been filed in this very Tribunal for the

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same relief of compassionate appointment and family pension etc. Learned counsel for the applicant says that the relief pertaining to compassionate appointment was not pressed in that O.A. But the fact of the matter remains that the fact about filing of the aforesaid earlier O.A. has been concealed and even there is no whisper about that O.A. in the present O.A. On the contrary, it has been declared in para 7 of this O.A. that the applicant has not filed any case, Writ petition, or Original Application in any Court. This is really unfortunate. This practice is seriously deprecated.

5. In view of the above, this O.A. is dismissed at initial stage. A token cost of Rs. 500/- is imposed upon the applicant to be deposited within two weeks from today. This amount would be deposited in favour of Bar Association of this Tribunal to be utilized preferably for purchase of books in the Library.


18.2.11
(Justice Alok Kumar Singh)
Member-J

Girish/-