

Central Administrative Tribunal, Lucknow Bench, Lucknow

M.A. NO: 1507/05, M.A.1508/05 IN DIARY No: 1784/2005

This the 14 th day of September, 2005

HON'BLE SHRI SHANKER RJAU, MEMBER (J)
HON'BLE SHRI S.P. ARYA MEMBER (A)

1. Smt. Kamla Devi, aged about 43 years, wife of late Ram Ujagir.
2. Kusuma daughter of Ram Ujagir, by age adult.
3. Poonam, by age 15 years daughter of late Ram Ujagir.(minor)
4. Sanjay Kumar aged about 13 years son of late Ram Ujagir.
5. Ramesh Kumar, aged about 9 years son of late Ram Ujagir.

The applicant No. 3 to 5 are under the guardian ship of their mother the petitioner No. 1. All resident of village Chakrasenpur, Tehsil Bikapur, District Faizabad.

Applicant

By Advocate: Shri S.S. Shukla.

Versus

1. Union of India through the Secretary for the Ministry of Railway, New Delhi.
2. Director, Anusandhan Abhikalp and Manak Sangthan Manak Sangthan Manak Nagar, Lucknow of Indian Railway.
3. Addl. Director, Anusandhan Abhikalp and Manak Sangthan Manak Nagar, Lucknow of Indian Railway.
4. Karya Nideshak, Raksha Anusandhan/ The Disciplinary authority, Manak Nagar, Lucknow.
5. Enquiry Officer (Kalyan Nirikshak) R.D.S.O. Manak Nagar, Lucknow.

Respondents.

By Advocate Shri S. Verma.

ORDER (ORAL)

By Hon'ble Shri Shanker Raju, Member (J)

The present O.A. is filed by the legal heirs of the deceased Govt. servant who was dismissed from the service and his appeal was turned down in 2002. A Revision Petition filed after the death of the Railway Servant by the legal heirs was not entertained by the respondents.

2. A larger Bench consisting of five judges in **Mrs. Chandra Kala Pradhan Vs. Union of India and Others, 1997-2001 AT Full Bench Judgments 410** held that legal heirs are entitled to initiate

proceedings after the death of deceased employee including filing of an appeal against the order of removal or dismissal against the deceased.

2. In the light of the above, right of a legal heirs to institute proceedings both before respondents and before us cannot be questioned.

3. It transpires that punishment order issued clearly indicates time for preferring an appeal and in the appellate order as well 45 days time is accorded to the deceased to prefer statutory remedy available under rules. Having not exercised the same, the remedy now available to the legal heirs cannot be blocked in any manner whatsoever. In so far as issue of condonation of limitation which has not been preferred by the legal heirs in the revision is concerned, we dispose of the O.A., after hearing counsel for respondents, who vehemently opposed the contentions raised by the learned counsel for the applicant, that in the event the applicant, i.e. legal heirs of the deceased prefer a revision petition within 2 weeks from the date of receipt of copy of this order along with an application for condonation of delay, the same shall be entertained by the respondents and the detailed and speaking order shall be passed within 2 months thereafter. No costs.

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(S.P. Arya)
Member (A)

S. Raju
(Shanker Raju)
Member (J)

HLS/-