

**Central Administrative Tribunal
Lucknow Bench Lucknow**

**M.P.No.592/2007
In
Diary No.569/2007
This, the 5th day of June 2008**

**HON'BLE MR SHANKAR PRASAD, MEMBER (A)
HON'BLE MR. M. KANTHAIAH, MEMBER (J)**

1. Ram Khabar son of Ram Vilas, R/o Village Pakari Marudih, Post Office Bichhari District Gonda U.P., through his next friend as well as real son Mathura Prasad, son of Sri Ra, Khabar resident of Village Pakari Maruadih, Post Office Bichhari District Gonda (U.P.).
2. Mathura Prasad S/o Ram Khabar R/o Villagem Pakari Maruadih, P.O. Bichhari Distt. Gonda.

Applicant.

By Advocate:- Shri S.P. Shukla.

Versus.

1. Union of India, through the Secretary, Ministry of Railways, New Delhi.
2. Divisional Railway Manager (Engineer) Railway, Lucknow.
3. Assistant Engineer (Railways) Bahraich (U.P.).

... Respondents.

By Advocate:- Shri Deepak Shukla for Shri Prashant Kumar.



ORDER**BY MR. M. KANTHAIAH, MEMBER (J)**

The applicant no.1 and 2 have filed this O.A. under Section 19 of the Administrative Tribunal Act, 1985 with a prayer to quash the order of removal of the applicant no.1 from service passed by respondents with and also other consequential benefits. The applicant no.2 is the son of the applicant no.1 and both have filed this OA stating that applicant no.1 who, was orally removed by the respondents has become mentally upset, taking treatment and he is not in a position to put his signatures in the petition and as such Applicant No.2 sought permission to prosecute the case on behalf of his father applicant no.1. The applicants have filed copies of some Medical certificates issued by Shifa Hospital & Diagnostic Center, Gorakhpur Dt. 01.03.2005 and Sachdava Polly Clinic, Gorakhpur Dt. 14.02.1999 and also Mantocare Neuropsychiatry Center, Gonda Dt. 11.09.2007 and some other Medical certificates issued by various Doctors.

2. At the admission stage, the learned counsel for the respondents raised preliminary objection stating that this OA has been filed by the 2nd applicant, who is not competent to challenge any of the impugned orders passed against his father, and thus sought for rejection of OA at admission stage.

3. Heard both sides.

4. On perusal of the Hospital Certificates, they are not helpful to show that the applicant no.1 has become mental ill and taking continuous treatment and not in a position to prosecute his claim



against the respondents. And as such the said documents are not at all helpful to support the contention of the applicant no.2, who has filed this OA on behalf of his father, applicant no.1 and such a plea of mental upset is not at all sufficient to satisfy the prosecution of case by his next friend. Thus, there are no justified grounds on the part of applicant no.2 in seeking permission to prosecute the case on behalf of his father i.e. applicant no.1, on such ground of mental upset and thus, the application seeking permission is rejected.



(M. KANTHAIYAH)

MEMBER (J)



(SHANKAR PRASAD)

MEMBER (A)

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