

Central Administrative Tribunal
Lucknow Bench,
Lucknow
Original Application No. 22/2010 & O.A. No. 148/2012.

This, the 20thth day of April, 2012.

Hon'ble Sri S. P. Singh, Member (A)

O. A. No. 22/2010

1. Shalinda Singh aged about 43 years w/o Late Satyendra Bahadur Singh, R/o Village-Bandipur, Post-Sarkoni, District-Jaunpur.
2. Pawan Kumar Singh aged about 21 years S/o Late Satyendra Bahadur Singh, r/o village-Bandipur, Post-Sarkoni, District-Jaunpur.

Applicants

By Advocate: S. K. Singh.

Versus

1. The Union of India through its Secretary, Telecommunication and Information, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Bharat Sanchar Nigam Limited, U.P. East Circle, Lucknow.
3. The District Manager, Door Sanchar, Rae Bareilly.

Respondents

By Advocate Sri G. S. Sikarwar.

O.A. 148/2012

Vinay Kumar Singh, aged about 19 years s/o (Late) Satyendra Bahadur Singh, R/o Village Bandipur, Post Sarkoni, tehsil Sadar, District Jaunpur.

Applicant

By Advocate Sri P. S. Srivastava.

Versus

1. Union of India through its Secretary, Telecommunication & Information, Sanchar Bhawan, New Delhi.
2. Chief General Manager, Bharat Sanchar Nigam Ltd. U.P. (East) Circle, Lucknow.
3. District Manager, Door Sanchar, Raibareilly.
4. Shalinda Singh aged about 46 years w/o (Late) Satyendra Bahadur Singh.
5. Pawan Kumar Singh aged about 24 years s/o (Late) Satyendra Bahadur Singh

Both, at Sl. Nos. 4 and 5, resident of village Bandipur, post Sarkoni, tehsil Sadar, District Jaunpur.

Respondents

By Advocate Sri G. S. Sikarwar/Sunil Kumar Singh

ORDER(Dictated in Open Court)

By Hon'ble Sri S. P. Singh, Member(A)

Heard the counsel for the parties.

2. M.P. No. 955/2012 in O.A. 148/2012 is an application for connecting the instant original application No. 22/2010. There is no objection from the other side. M.P. is allowed and this O.A. is connected with O.A. No. 22/2010.

3. Sri Sunil Kumar Singh, learned counsel for respondent No. 1 in O.A. 22/2010 prays that his name may be deleted from the array of parties as he has wrongly been impleaded as party. There is no objection from the side of the applicant. Accordingly, the prayer of the learned counsel for the respondent No. 1 is granted and the respondent No. 1 is deleted from the array of the parties.

4. Learned counsel for the respondents Sri G. S. Sikarwar submits that O.A. 22/2010 is for seeking compassionate appointment as the only relief because the other relief was regarding retiral benefits like pension and gratuity does not survive as it was allowed to be deleted vide order of this Tribunal dated 27.11.2009. This O.A. was also accordingly amended. It is further submitted that for the same relief, another O.A. 148/2012 has been filed by another son of the applicant in O.A. No. 22/2010 in the name of V. K. Singh.

5. In the fresh O.A. No. 148/2012 filed by applicant Sri V. K. Singh is listed today's cause list. Since the mother Shalinda Singh has earlier filed O.A. No. 22/2010, the later application O.A. 148/2012 by another son is not maintainable seeking same relief as was sought earlier in O.A. 22/2010 filed by the mother.

O.A. 148/2012 is therefore accordingly dismissed and O.A. 22/2010 is disposed of with direction as given below.

6. Learned counsel for the respondents submits that the mother's application is already pending for consideration. According to Para-18 of the counter affidavit in O.A. 22/2010, it has been stated that all the dues regarding pension and gratuity were paid to the widow of late Sri Satyendra Bahadur Singh. She is getting Rs. 5715/- per month as monthly pension. Further, it is submitted in same para of counter affidavit that the applicants in O.A. 22/010 have not applied for compassionate appointment on prescribed proforma regarding employment. As such, the applicants are not legally entitled to any relief from this Tribunal. The present O.A. 22/2010 is misconceived and premature in view of position stated above.

7. In view of facts and circumstances mentioned above, it is directed that the applicants in O.A. 22/2010 may be allowed to submit their application in the prescribed proforma within one month from the date of production of this order before the competent authority who will consider it in stipulated period. It is accordingly ordered that the application in prescribed format so submitted by the applicant will be considered by the competent authority as per the rules within a period of three months from the date of submission of such application.

8. Accordingly, O.A. 22/2010 is disposed of with the direction as above and O.A. NO. 148/2012 is dismissed as not maintainable for reasons stated above. No order as to costs.

Certified Copy

Section Officer (Judicial)

Central Administrative Tribunal

Lucknow Bench Lucknow

Vidya.

23-4-2012