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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

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Registration O.A.167 of 1991

Sri Lakshmi Shanker Awasthi     ...     ...     ...     Applicant.

Versus

Chairman, Railway Board New  
Delhi and others     ...     ...     ...     Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)

( By Hon. Mr. Justice U.C. Srivastava, V.C.)

By means of this application, the applicant has prayed that the respondents be directed to give the service on the compassionate grounds according to the qualifications of the applicant in place of her wife. The wife of the applicant was working on the post of Clerk in the office of the Loco Workshop Northern Railway, Charbagh Lucknow and was died in harness on 4.2.1989 leaving behind the dependent applicant. In the counter affidavit it has been stated by the Respondents that the applicant has filed a suit No. 42 of 1986 before the Family court, Lucknow for dissolution of his marriage against Smt. Asha Awasthi while Smt. Asha Awasthi died on 4.2.1989. This fact was never disclosed by the applicant before the respondents and nor this fact has been disclosed in the present original application. Similarly, the decision of the family court was also not disclosed by the applicant till date. It has also come to the knowledge of the respondents that the applicant had re-married in February, 1990, therefore, the applicant was asked to produce a declaration that

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he is still a widower and he has not yet re-married which the applicant has failed to comply. According to the applicant, number of representations were made by the applicant before the department but no appointment has been given to him and after failing to get any appointment from the department, he has approached the Tribunal by means of this application. The respondents have also stated in their @@ counter affidavit that the applicant has already been employed at M/s R.R. Trade No. 1 Quinton Road, Lucknow and is drawing a salary of about Rs. 1000/- per month , as such, he is earning his own bread and is not dependent on Smt. Asha Awasthi, the deceased. So the allegation that he is dependent on his wife is not correct and as a matter of fact, the wife of the applicant was murdered.

2. It is true that under the rules, the husband can claim compassionate appointment in place of his wife if he was dependent on his wife but in this case, it can not be said that the husband of the applicant was dependent on her and also the husband of the applicant is re-married, as such, he can not claim compassionate appointment in place of his wife. We are of the view that it is not a fit case in which compassionate appointment can be given. Accordingly, the application of the applicant is hereby dismissed. No order as to costs.

*Abdullah*  
Member (A)

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Vice-Chairman

Dated: 15.9.1992.

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