

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.830/1999

DATE OF DECISION:

Monday, this the 7th Day of August 2000 -

CORAM: Hon'ble Shri B.N.Bahadur, Member (A)

Smt. Shakuntala Ashok Gade
Wd/of late Shri Ashok Baburao Gade
residing of Central Railway Quarters,
RB 1/4/4 Sion-Koliwada, Mumbai
400 022. Applicant
(Applicant by Shri A.G.Toraskar, Advocate)

vs.

1. The General Manager,
Central Railway, Chatrapati
Shivaji Terminus, Mumbai 400 001.
2. Union of India,
through the General Manager
Central Railway,
Chatrapati Shivaji Terminus,
Mumbai 400 001.
3. Smt. Vanita Ashok Gade,
r/a: Kurle Belgaon,
Post Asvali, Tal. Igatpuri,
Dist Nashi (Maharashtra). Respondents

(Respondents by R.R.Shetty, Advocate)

ORDER (ORAL)

Per B.N.Bahadur, M (A)

Learned Counsel Shri Turaskar and Shri R.R.Shetty are present and heard.

2. The Applicant in this case has made the simple prayer for a direction to Respondents 1 and 2 to provide employment to the Applicant on compassionate grounds. This is the one and only prayer that is before me.
3. It is seen from the Application that there is a private Respondent (Respondent No.3), Smt. Vanita Ashok Gade, and that

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address has been indicated against her name which learned Counsel Shri Turaskar states that has been procured from the Welfare Department of the Railway Administration. Two communications have been sent to Respondent No.3 at this address and the first one has been seen to be returned by postal authorities with the inscription that the addressee stays at some other village.

4. Now it is seen from the arguments before me and the facts of the case that there is some dispute as to who the real wife of the deceased Govt. servant is? Learned Counsel Shri Shetty states that it will be appropriate if the Successiion Certificate is first procured by the Applicant. We see that in this regard the Hon'ble Supreme Court in the case of 224 SC SLJ 2000 (1) in the case of *Rameshwari Devi vs. State of Bihar and Ors.* [224 SC SLJ 2000] has settled that attempts be first made by the administration to get all facts in such cases. I quote from the Head Note.

"(B). *Pensionary Benefits - When there are two claimants to the pensionary benefits of a deceased employee and there is no nomination wherever required State Govt. has to hold an inquiry as to the rightful claimant Disbursement of pension cannot wait till a civil court pronounced upon the respective rights of the parties.*"

Thus, it will not serve any much useful purpose at this stage to direct that the Applicant should first get a Succession Certificate. In any case this Tribunal'would have to keep itself

strictly to the prayer. The fact of the matter is that Application has been made for compassionate appointment and that the Application admittedly has not yet been disposed of.

5. I, therefore, dispose of this O.A. with the direction to the Respondents to dispose of the Application made by the Applicant, Smt. Shakuntala Ashok Gade, for compassionate appointment, after making such enquiries as they deemed fit, in accordance with Rules, within a period of 3 months from the date of receipt of copy of this order. It will be open to the Applicant to come to this Tribunal as per law in a fresh O.A. in case he is aggrieved by their decision.

6. All questions of law/merits are left open. Accordingly,
The application is disposed of accordingly.

B.N. Bahadur
B.N. Bahadur

B.N. Bahadur
(B.N. Bahadur)

Member (A)

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