

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 27/ 1994.

Friday, this the 7th day of August, 1998.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri D.S.Baweja, Member(A).

Smt.Sudha Ramesh Salvi,
C.G.S.Colony,
Sector - V, Building No.1985,
R.No.1737, Kane Nagar,
Antop Hill,
Bombay - 400 037.

... Applicant.

(By Advocate Shri V.V.Giri)

V/s.

1. The General Manager,
India Govt. Mint,
Shahid Bhagat Singh Marg,
Bombay - 400 023.

2. Chief Accounts & Admin. Officer,
India Govt. Mint,
Shahid Bhagat Singh Marg,
Bombay - 400 023.

3. Union of India
through R-1.

... Respondents.

(By Advocate Shri V.D.Vadhavkar for
Shri M.I.Sethna).

O R D E R

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

Heard the counsels for both the parties who are present. In this case M.P. 130/98 is filed by the applicant for early hearing. After hearing both sides the M.P. 130/98 is allowed. The O.A. is taken up for final hearing.

In the O.A. the applicant is praying mainly for compassionate appointment for herself on the ground that her husband died on 6.4.1993. The respondents pleaded that the applicant's husband's service came to be terminated by an order of penalty of removal from service dt. 6.4.1993 giving effect from 5.4.1993.

2. After hearing both sides we find that present


...2.

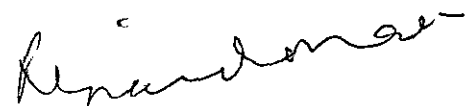


application filed by the wife challenging the order of termination of her husband is not maintainable. The question is no longer res integra and is covered by a Judgment of the Full Bench of this Tribunal dt. 30.4.1998 in the case of V.R.Verma & Anr. V/s. Union of India & Ors. (O.A. 159/93). The Full Bench has held that legal representative has no right to maintain application challenging the order of punishment imposed on the deceased official. In view of the Full Bench decision, we hold that the present application challenging the order of removal from service is not maintainable in law.

3. As far as the other prayer of compassionate appointment is concerned, even that prayer is not available to the applicant when her husband has been removed from service by way of penalty. Therefore, we hold that the applicant is not entitled to both the reliefs and the O.A. is not maintainable.

4. In the result, the O.A. is dismissed as not maintainable. No costs.


(D.S. BAWEJA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE-CHAIRMAN.

B.