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EX IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR.

OA 100/98 with MA 64/98. Date of Decision: 22.12.99

1. Smt. Chhoti Bai w/o Late Shri Badan Singh
2. Bablu Singh s/o Late Shri Badan Singh, both r/o Block No.13 T, Quarter No.E, East Bank Railway Colony, Jamna Bridge, Agra.

... Applicants

v/s

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Rail Manager, Western Railway, Kota Division, Kota Jn.
3. Sr. Divisional Engineer, Western Railway, Kota Division, Kota.

... Respondents

CORAM:

HON'BLE MR. S. K. AGARWAL, MEMBER (J)

HON'BLE MR. N. P. NAWANI, MEMBER (A)

For the Applicants ... Mr. S. C. Sethi

For the Respondents ... ---

O R D E R

(PER HON'BLE MR. S. K. AGARWAL, MEMBER (J))

Heard on admission. This application has been filed by Smt. Chhoti Bai w/o Late Shri Badan Singh and Bablu Singh s/o Late Shri Badan Singh u/s 19 of the Administrative Tribunals Act, 1985, for seeking to quash the order of removal from service of the deceased Badan Singh, passed on 30.5.90, and to seek further direction to grant family pension ~~to the applicant~~ and other benefits to the applicants or in the alternative, compassionate appointment to applicant no.2

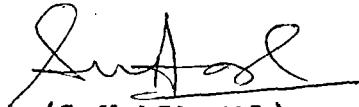

2. Admittedly, Shri Badan Singh was died on 10.1.95 and after his death this application has been filed on 20.3.98.

(6)

In Vidhata v. UOI & ors., ATJ 1998 (2) 506, OA No.159/93, decided on 30.4.98 by Central Administrative Tribunal, Full Bench, Mumbai, it has been held that legal heirs of the deceased employee are not competent to file an application u/s 19 of the Administrative Tribunals Act. In view of the Full Bench judgement, delivered by Mumbai Bench of the Central Administrative Tribunal, we are of the considered view that the OA filed by the applicants, who are undoubtedly legal heirs of the deceased employee, is not maintainable for quashing the removal etc. As regards the compassionate appointment is concerned, it appears that applicant no.2 has not filed any representation to the department so far. Therefore, the applicant has failed to exhaust the remedies available to him. Applicants first must file an ~~application~~ representation before the departmental authorities and in case they feel aggrieved, they may approach this Tribunal.

3. With these observations, this OA is dismissed in limine at the stage of admission. MA 64/98 also stands dismissed.


(N.P.NAWANI)
MEMBER (A)


(S.K.AGARWAL)
MEMBER (J)