

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of Order: 22.11.2000

OA 515/2000

Smt. Sushila Devi wife of Late Shri Eharwaria (Ex. P.P. Rly. Station, Bijai Nagar, Distt. Ajmer) now resident of Village Kanai Post Kanai, Distt. Gurgaon (Haryana).

.... Applicant.

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Ratlam (M.P.)

.... Respondents

Mr. N.K. Gautam, Counsel for the applicant.

CORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial).
Hon'ble Mr. Gopal Singh, Member (Administrative)

ORDER

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

Heard the learned counsel for the applicant on admission. The relief sought by the applicant in this OA is to declare order dated 31.8.98 at Annexure A-1 as inoperative, wrong, unconstitutional and illegal and to direct the respondents to declare the husband of the applicant as on duty since 6.6.98 till date of his death and further direction are also to consider the case of the applicant on compassionate ground. It is stated in this OA that husband of the applicant died on 13.3.99 who was ~~xxx~~ employed at Railway station, Hamirgarh. It is also stated that he was removed from the service by the respondent Department

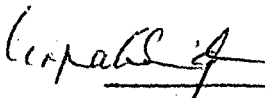
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against which applicant approached this Tribunal.

2. In the instant case applicant is the widow of the deceased employee who died after his removal from service and did not challenge the order of his removal during his life time. In Vidhata vs. Union of India & Others, ATJ (2) 1998 page 506, Full Bench of CAT, Mumbai has decided in OA 159/93 on 30.4.98 that legal heirs of the deceased employee are not competent to file application under Section 19 of the Administrative Tribunal's Act. In view of the Full Bench decision of CAT, Mumbai Bench and facts & circumstances of this case, applicant is not competent to file this application under Section 19 of the Administrative Tribunal's Act and as such the application filed by the applicant is not maintainable.

3. It appears that applicant has also filed OA 437/2000 earlier for the same relief. It was dismissed at the stage of admission. Therefore, in view of the fact that applicant has earlier filed the application, which was dismissed at the stage of admission, this second application on the same ground is not maintainable.

4. We, therefore, dismiss this OA in limini at the stage of admission.


(GOPAL SINGH)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)