

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

O.A. No. 87 of 2006

Jabalpur, this the 28th day of March, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Smt. Anjana Raikwar,
Aged about 36 years, widow
of late Ramesh Prasad Raikwar,
Resident of 675, Galgala Toniya,
Jabalpur (MP).

..... Applicant

(By Advocate – Shri A.K. Jain)

VERSUS

1. Union of India, through :
The Secretary, Ministry of Defence,
Raksha Bhawan, New Delhi.
2. Director General/Chairman,
Ordnance Factory Board,
Khudiram Bose Marg,
Kolkata (West Bengal).
3. General Manager,
Ordnance Factory, Ranjhi,
Jabalpur (MP).
4. Assistant Personnel Officer,
Finances for Commandant,
Central Ordnance Depot,
Jabalpur (MP).

..... Respondents

(By Advocate – Shri S.K. Mishra)

ORDER (Oral)

By G. Shanthappa, Judicial Member –

The above application is filed under Section 19 of the Administrative Tribunals Act, 1985, with the following main reliefs :

- “(i)to command the respondents and they be directed to consider the case of the applicant for compassionate appointment and also make payments of all the amounts as stated above within

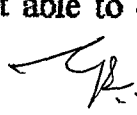


a period of one month from the date of the directions given by this Hon'ble Tribunal."

2. The husband of the applicant died on 23rd November, 2005. He had first wife Smt. Dropti Bai which marriage was declared null and void by a decree of divorce dated 14.2.1995. Subsequently the husband of the applicant married the applicant on 16.6.1995. When the applicant's said marriage was in force, the husband of the applicant had relation with one Smt. Subhadra Bai. As per para 4.2 of the application the husband of the applicant after his marriage went for a concubine and neglected the applicant and for that the applicant has filed a criminal petition before the Magistrate Ist Class under Section 125 Cr.P.C and there was an order of maintenance for Rs. 1,200/- per month. The applicant submitted her representation Annexure A-5 for grant of terminal benefits due to her after the death of her husband. She also submitted a representation Annexure A-4 for compassionate appointment. The said representations are said to be pending with the respondents. The applicant approached this Tribunal without waiting for the reply from the respondents.

3. After service of notice the respondents have filed the reply statement. They have stated in paragraphs 3, 4, 5 the factual positions and have illustrated in the reply statement that one Smt. Subhadra Bai is also claiming to be the wife of the deceased late Ramesh Prasad. She has filed a civil suit for succession certificate before the Civil Court bearing No. 248/2005 on 16.12.2005, for receiving the dues payable after the death of late Ramesh Prasad. The learned counsel for the applicant has also submitted that the said case is pending wherein the applicant is a party.

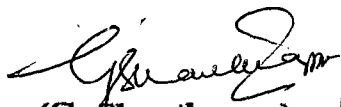
4. We have carefully examined the application. The applicant has suppressed the fact of civil succession case No. 248/2005. Now he has submitted that the applicant has received the summons from the civil court and the case is pending. Since the two wives are claiming for the dues payable on account of death of late Ramesh Prasad, the respondents are not able to disburse the amount. Accordingly, they have mentioned

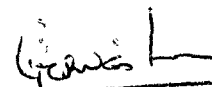


in the reply statement that if any succession certificate or decree is issued from the competent court then only they can pay the amount according to the decree.

5. Without going to the merits of the case and on the factual things, we are not able to grant any reliefs to the applicant as prayed in the OA. Unless the legitimacy of the marital life or the legal heirship is settled by the Civil Court, the compassionate appointment and terminal benefits of the deceased Government servant cannot be given. As the civil suit is pending before the competent authority, the respondents have stated that they cannot disburse the amount, without knowing the legitimacy of the marital life of the applicant.

6. The learned counsel for the applicant has submitted that she has requested the respondents for payment of the dues to be payable to her husband and also she is asking for compassionate appointment. We are not giving any specific direction to the respondents for giving an appointment or payment of the amount. We are only directing the respondents to consider and decide the aforesaid pending representations of the applicant by passing a speaking, detailed and reasoned order within a period of one month from the date of receipt of a copy of this order. Accordingly, the OA is disposed of.


(G. Shanthappa)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

"SA"

पृष्ठांकन सं ओ/ज्या.....जबलपुर, दि.....
पत्तिलिपि अर्पण दि:-

- (1) सचिव, उच्च न्यायालय, को. प्र. अ. न्यायालय, जबलपुर
- (2) जज, को. प्र. अ. न्यायालय, जबलपुर
- (3) प्रवर्धनी ओ/श्रीमती/पु. को. प्र. अ. न्यायालय, जबलपुर
- (4) वरिष्ठ, को. प्र. अ. न्यायालय, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु
उप सचिव

A. K. Jain DNDY
L. K. Mishra
DNDY

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