

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
CIRCUIT COUR SITTING AT BILASPUR

**Original Applications No 681 of 2005**

Indore, this the 19<sup>th</sup> day of August, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Smt. M. Sarojini

W/o Sri M. Appa Rao

Aged about 43 years

Un-employed,

House No.17/A/3

Bungalow Yard,

Bilaspur

Applicant

(By Advocate – Shri Y.K.Rao)

**V E R S U S**

1. Union of India  
Through –The General Manager  
South Eastern Railway  
Garden Reach Road,  
Kolkatta – 43 (W.B.)
2. The Divisional Railway Manager,  
South Eastern Railway,  
Chakradharpur-833102  
Dist: Singhbhoow (Jharkhand)
3. The Senior Divisional Electrical Engineer (OP)  
South Eastern Railway,  
Chakradharpur,
4. The Senior Divisional Personnel Officer,  
South Eastern Railway,  
Chakradharpur,  
Dist : Singhbhoom (Jhaarkhan)

Respondents



ORDER

By Madan Mohan, Judicial Member -

Heard the learned counsel for the applicant.

2. By filing this Original Application, the applicant has sought the following main reliefs :-

“8.1 That this Hon’ble Tribunal may kindly quash the malafide and illegally proceeding of exparte enquiry conducted by the AEE (OP) and disciplinary authority of Chakradharpur and removal notice passed against the husband of the applicant Sri M.Appa Rao during his sick period to provide necessary benefits and privileges for which he is entitled including medical facilities.

8.2 Directions may please be given to the respondents for providing compassionate appointment to the applicant or the applicant belongs to the SC community as per rule to save the mentally effected Sri M.Appa Rao husband of the applicant while on duty is unable to perform again such hard duty of box boy.

3. After hearing the learned counsel for the applicant and on careful perusal of the records, we find that the applicant has not challenged the order of the disciplinary authority dated 26.4.2001 whereby the applicant is ordered to be removed from service. He has also not challenged the order of the appellate authority dated 11.10.2002 (Annexure-A-7) by which his appeal was rejected. We find that he is only claiming the relief “to quash the malafide and illegal proceeding of exparte enquiry conducted by the AEE (OP) and disciplinary authority of Chakradharpur and removal notice passed against the husband of the applicant Shri M.Appa Rao during his sick period to provide necessary benefits and privileges for which he is entitled including medical facilities.” We also find that the present OA is filed by the applicant’s wife not by the applicant, who is still alive. In this regard the counsel for the applicant has stated that the husband of the applicant Mr. A.Appa Rao is mentally unsound. Hence this OA



has been filed by the applicant. This argument of the applicant is not tenable in the eyes of law. The OA should have been filed in the name of Shri M.Appa Rao. Thus, the OA is not maintainable and is accordingly dismissed at the admission stage itself.

✓  
(Madan Mohan)  
Judicial Member

✓  
(M.P.Singh)  
Vice Chairman

Skn/-

पूछांकन सं. ओ/न्या..... ज्योतिशुर. दि.....

पूछांकन सं. ओ/न्या..... ज्योतिशुर. दि.....

- (1) संकेता, ज्योतिशुर. दि..... के काउंसल
- (2) आवास के लिए, ज्योतिशुर. दि..... के काउंसल
- (3) प्रस्ताव के लिए, ज्योतिशुर. दि..... के काउंसल
- (4) घोटाला, ज्योतिशुर. दि..... सुचना एवं आवश्यक दातानीको लिए

उप रजिस्ट्रर  
21/9/05

Y. Karim Rao  
BJP

Forged  
6/9/05