

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 800 of 2004

Jabalpur, this the 23rd day of September, 2004

Hon'ble Mr. Madan Mohan, Judicial Member

Smt. Urmila Bai
Widow of Late Shri Loknath Pandey
Aged about 50 years,
Present Address at Subhash Nagar,
Housing Board Colony,
Jabalpur (MP)

APPLICANT

(By Advocate - Shri B.P.Rao)

VERSUS

1. Union of India,
Through The Secretary,
Ministry of Railways,
Rail Bhawan, New Delhi.
2. The General Manager,
South East Central Railway,
Bilaspur Zone, G.M. Office,
PO Bilaspur
District Bilaspur (CG).
3. The Senior Divisional Personal Officer,
South East Central Railway,
Bilaspur Division, Bilaspur
District Bilaspur (CG).
4. The Divisional Railway Manager
(Personal) South East Central
Railway, Raipur Division,
Raipur District Raipur (CG)

RESPONDENTS

O R D E R (ORAL)

By filing this OA, the applicant has sought the following main relief :-

"8.1. to pass a direction to the respondents to dispose the Applicants' latest representation dated 6.1.2004 (Annexure-A-3) at the earliest.

2. The admitted facts of the case are that the husband of the applicant late Shri Loknath Pandey was an employee in the respondents Railways as Carpenter and died in harness on 4.6.88. The applicant being legally wedded wife claimed all service dues but the respondents asked have to submit a succession certificate or decree in her favour from the competent court. The applicant filed a civil suit before the first class Civil Judge, Raigarh and which was decided in ^{is} her favour. The civil suit No. 20-A/89 and this was decided

on 12.3.92. In the mean time one Smt. Shanti Bai and her two sons filed Misc. Application before the Hon'ble High Court of M.P. at Jabalpur on 9.5.1992 challenging the aforesaid judgment and decree passed in favour of the applicant. The Misc. Application later was transferred to the Hon'ble High Court of Chhattisgarh and is registered as FA No.130/92. The same is still pending.

3. Heard the learned counsel for the applicant and perused the records. On perusal of FA No.130/92 I find that the matter seems to be pending before the Hon'ble High Court of Chhattisgarh. Thus this Tribunal cannot take any decision in the present OA till the final decision is taken by the Hon'ble High Court of Chhattisgarh in FA No. 130/92.

4. Shri M.N. Banerjee, standing counsel for the Railways is present in the court and submitted that this OA may be dismissed as not maintainable, as the matter relating to the succession certificate is still pending with Hon'ble High Court of Chhattisgarh. He further submitted that the applicant, however be given a liberty to file a fresh OA if he still feels aggrieved and so advised.

5. In view of theforesaid submission of the parties I am of the view that the Original application is liable to be dismissed at the admission stage itself as not maintainable as the matter relating to the succession certificate is still pending with the Hon'ble High Court of Chhattisgarh. I do so accordingly. However, the applicant will be at liberty to file a fresh OA if he still feels aggrieved and so advised.

(Madan Mohan)
Judicial Member