

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

Jaipur, the December 05<sup>th</sup>, 2006

ORIGINAL APPLICATION NO. 403/2005

With MA 334/2005

 CORAM:

HON'BLE MR. M.L. CHAUHAN, MEMBER (JUDICIAL)

HON'BLE MR. J.P. SHUKLA, MEMBER (ADMINISTRATIVE)

Pooni wife of Late Shri Madan son of Unkarya, aged about 45 years. By caste Gurjar, resident of Village Mahu Kalan, Gangapur City, District Sawai Madhopur (Rajasthan).

By Advocate: Mr. S.C. Sethi

....Applicant

Versus

- 1 The General Manager, Western Railway, Churchgate, Mumbai.
- 2 The General Manager, West Central Railway, Near Indira Market, Jabalpur.
- 3 The Divisional Railway Manager, West Central Railway, Kota Division, Kota (Rajasthan)

By Advocate: Mr. T.P. Sharma

....Respondents.

ORDER (ORAL)

The applicant has filed this OA thereby praying that directions may be given to the respondents to give offer

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appointment to her son Judraj on compassionate grounds because of death of her husband.

2 Notice of this application was given to the respondents. Respondents have filed reply. In the reply, it has been stated that the husband of the applicant died on 08.9.1999 and at the time of death, he was not in service as such compassionate appointment cannot be given to the son of the applicant.

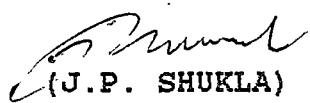
3 Applicant has filed rejoinder thereby stating that even if after the removal from service of the applicant, applicant was given treatment in the Railway Hospital which fact shows that applicant was not removed from service. This Tribunal vide order dated 13.09.2006 directed the respondents to place on relevant record thereby showing <sup>whether</sup> the removal order was served upon the husband of the applicant.

4 Respondents have filed Additional reply. In it, they have stated that the husband of the applicant was not only aware of the removal order but he has also filed an appeal before the authorities which appeal was disposed of vide order dated 27.03.2000.

5 In view of the stand taken by the respondents, we are of the view that husband of the applicant was removed from service on 24.04.1999 and he died subsequently on 08.09.1999. During his life time, he has also filed an appeal but unfortunately he died on 08.09.1999. As per the compassionate appointment scheme, compassionate appointment can be given to legal heirs of the deceased employee, who died while in service. Since the applicant was not in service when he died on 08.09.1999, as such we

are of the view that the son of the applicant is not entitled to be given any relief. Accordingly, the OA is dismissed with no order as to costs.

6. In view of the order passed in the OA, no order is required to be passed in MA No. 334/2005 for condonation of delay, which is also dismissed



(J.P. SHUKLA)

MEMBER (A)



(M.L. CHAUHAN)

MEMBER (J)

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