

11-5-2011

(10)

OA. 314/2010

Mr. S.C. Sethi ld. counsel for applicant.

Mr. Hawa Singh ld. counsel for defendant No 1 to 3

Mr. Arun Singh ld. counsel for respondent No 4.

Heard ld. counsel for parties, the

OA stands disposed of by a separate order.

Anil Kumar

(Anil Kumar)

Member (A)

J.C. S. Rathore

(Justice K.S. Rathore)

Member (S)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 11th day of May, 2011

ORIGINAL APPLICATION NO. 314/2010

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Vimla Devi wife of Late Shri Batti Lal Head Gangman, who was posted at Malaria, under Senior Section Engineer (P.Way), South, Gangapur City, Kota Division, West Central Railway.

.....Applicant

(By Advocate: Mr. S.C. Sethi)

VERSUS

1. Union of India through General Manager, West Central Railway, Jabalpur.
2. Divisional Railway Manager (Estt.), West Central Railway, Kota Division, Kota.
3. Sr. Section Engineer (P.Way) South, Gangapur City, Kota Division of West Central Raiway, Gangapurcity.
4. Pappu Lal meena son of late Shri Batti Lal Meena aged about 25 years, C/o Harkesh meena, resident of Hariya Ki Jhonpri, Tehsil Bonli, District Sawaimadhopur (Rajasthan).

.....Respondents

(By Advocate: Mr. Hawa Singh – Respondent nos. 1 to 3.
Mr. Arun Singh – Respondent no. 4.)

ORDER (ORAL)

Brief facts of the case are that the applicant's husband, Shri Batti Lal son of Shri Rampal, while he was under treatment of Railway Hospital, Gangapur City, died in harness on 17.06.2009. The death certificate in this regard was issued by the Registrar of Birth and Deaths Gram Panchayat Kherla Panchayati Samiti Sapotra, District Karauli, which is placed on record at Annexure A/3.



2. Late Shri Battilal was first married with Late Smt. Kishori Bai daughter of Bhorya Meena, resident of Tulsangpura, Tehsil Sapotra, District Karauli. She gave birth to a male child, Pappulal, respondent no. 4. When Pappu Lal was about one and a half years old, Smt. Kishori Bai died. After six months of death of Kishori Bai, the applicant was married to Late Shri Batti Lal in May, 1988 by observing all ceremonies, customs and rituals of Hindu Lal and Gona ceremony. The applicant started living with Shri Batti Lal at his house being his wife. During his wedlock, she gave birth to four children, Kumari Seema, Master Dinesh, Master Vivek and Kumari Karishma.

3. The applicant and her husband, Late Shri Batti Lal, also got ceremonised the marriage of Pappu Lal, Respondent no. 4. After marriage, respondent no.4 seperated himself alongwith his wife from the joint family of his father and started living with his in laws at Village Hariya Ki Jonpri, Tehsil Bonli, District Sawaimadhopur. The children of the applicant are studying in 12th class, 7th class and 5th class in the schools of Gangapur city and Nimoda and the whole responsibility to maintain them and manage their education has come upon the applicant after the death of her husband, Late Shri Batti Lal.

4. It is also not disputed that the applicant is receiving family pension to the tune of Rs.4300/- per month and she alleged this amount is not sufficient to meet the requirement of the family and expenses of education of the children. Therefore, the applicant submitted her application for appointment on compassionate grounds on 30.11.2009 and 10.01.2009 to the Divisional Railway Manager, West Central Railway, Kota Division. But instead of considering the



applicant's applications for appointment in Railway service on compassionate grounds on merit, the Divisional Railway Manager (Estt.), West Central Railway, Kota vide his letter dated 08.01.2010 (Annexure A/1) had asked the applicant to obtain and submit a succession certificate issued by the competent court. Aggrieved and dissatisfied with Annexure A/1, the applicant preferred this OA.

5. The applicant has also impleaded her step son, Shri Pappu Lal, as respondent no. 4. Learned counsel for respondent no. 4 submitted that Shri Pappu Lal has also applied for employment on compassionate grounds as he has separated himself from his family and he is living with his wife and he is not able to maintain his family. It is also contended that he had not received any money out of the pension and also having no share in the land, which was belonging to his father. It is also stated at Bar that respondent no. 4 also filed OA No. 331/2009, which was decided on 11.08.2009, whereby this Tribunal directed the respondents to decide the application of the applicant considering the facts as to whether the applicant or respondent no.3 is entitled to the appointment on compassionate grounds and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. After referring the said order dated 11.08.2009, learned counsel submitted that the same is still pending for consideration.

6. Be that as it may, as the applicant also applied for appointment on compassionate ground and her grievance is that before considering her application for appointment on compassionate ground, she was directed to submit succession certificate. In our considered view, this

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condition for furnishing succession certificate issued by the competent court vide order dated 08.01.2010 (Annexure A/1) is unwarranted and this condition deserves to be quashed and set aside on the ground that the respondents recognizing the applicant as legally wedded wife of deceased Batti lal and released the family pension and thus the order dated 08.01.2010 (Annexure A/1) is quashed and set aside. The respondents are directed to consider the application of the applicant on its merit and in accordance with the provisions of law. As the application of respondent no. 4's application for appointment on compassionate ground is also pending, it is also for the respondents to consider the same. Since it is not the subject matter of this OA, we need not to pass any specific direction in this regard.

7. With these observations, this OA is disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K. S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

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