

**Central Administrative Tribunal  
Principal Bench, New Delhi.**

**OA-1539/2015**

**Reserved on : 11.09.2018.**

**Pronounced on : 13.09.2018.**

**Hon'ble Ms. Praveen Mahajan, Member (A)**

1. Smt. Prem Devi, 54 years  
W/o late Sh. Brij Kishore,  
Helper Khalasi.
  2. Sushil Kumar, 25 years  
S/o late Sh. Brij Kishore,  
Helper Khalasi.
- .... Applicants

(through Ms. Neetu Mishra for Mr. R.K. Shukla, Advocate)

Versus

1. Union of India through  
the General Manager,  
Northern Railway Headquarters,  
Baroda House, New Delhi-110001.
2. The Divisional Railway Manager,  
Delhi Division, Northern Railway,  
Estate Entry Road, Paharganj,  
New Delhi.
3. The Divisional Personnel Officer,  
Delhi Division, Northern Railway,  
Estate Entry Road, Paharganj,  
New Delhi.
4. The Sr. Divisional Personnel Officer,  
D.R.M. Office, Northern Railway,  
Estate Entry Road, Paharganj,  
New Delhi.
5. The Sr. Section Engineer (Signal),  
East Motia Bagh,  
Delhi-110006.

6. Smt. Durga Devi,  
W/o late Sh. Brij Kishore,  
R/o O/87, Prem Nagar-II,  
Near Pili Kothi, Nangloi,  
Delhi-110086.
7. Sh. Chander Shekhar,  
S/o late Sh. Brij Kishore,  
R/o Prem Nagar-I,  
Nangloi, Delhi.
8. Smt. Neetu Devi,  
D/o late Sh. Brij Kishore,  
Service through respondent No.6.
9. Smt. Khema Devi,  
D/o late Sh. Brij Kishore,  
Service through respondent No.6. .... Respondents

(through Mr. Shailendra Tiwary, Advocate)

### O R D E R

The applicants in O.A. are the widow (2nd wife) and son, respectively, of late Sh. Brij Kishore, who was working with the respondents as Helper Khalasi. He was declared medically unfit and retired on 22.07.2010. He expired on 07.03.2011.

2. At the time of the release of the pensionary benefits, the following details of his family members were available:-

S.No.	Name	Relation with the applicant	Date of Birth	Remarks
1	Smt Durga Devi (1 <sup>st</sup> wife)	Wife	14/04/1953	
2	Rakesh Kuamr (U/M)	Son	30/05/1987	Children of 2 <sup>nd</sup> wife Prema Devi
3	Sushil Kuamr (U/M)	Son	09/04/1988	
4	Kanchan Devi (Married)	Daughter	20/02/1990	
5	Chander Shekhar (Married)	Son	20/10/1981	Children of 1 <sup>st</sup> Wife Durga Devi

6	Nitu Devi (Married)	Daughter	08/07/1977	
7	Khema Devi (Married)	Daughter	10/05/1983	

The applicant No.2 (Sushil Kumar s/o the applicant Mrs. Prema Devi) in OA has sought compassionate appointment and pensionary benefits in place of his deceased father.

3. During the course of hearing, the learned counsel for the applicant Ms. Neetu Mishra stated that the case of the applicant No.2 for grant of compassionate appointment and pensionary benefits may be considered by the respondents subject to the outcome of the Civil Suit pending before the Civil Court. She also made a request for filing written submissions in the matter.

3.1 Learned counsel for the respondents Sh. Shailendra Tiwary however stated that there are two Suits filed by both sides of the family, one is "Sushil Kumar Vs. Smt. Durga Devi & Ors." and the other is "Smt. Durga Devi Vs. Prem Devi & Ors." He submitted that the respondents can only process the applicants' case after receiving the succession certificate from the competent authority.

4. I have gone through the facts of the case and written submissions filed on behalf of applicant. I am in agreement with the contention of the respondents that since there is a dispute for grant of compassionate appointment and pensionary benefits of the

deceased, amongst his legal heirs, the same can only be considered by the respondents after they are in receipt of a valid succession certificate issued by the designated Court. The applicant may approach the respondents with appropriate legal documents, as and when the case/cases get decided.

5. At present, when the matter is pending before the Ld. Civil Judge, there is no need for the Tribunal to intervene in the matter. The O.A. is accordingly dismissed. No costs.

**(Praveen Mahajan)**  
**Member (A)**

/vinita/