

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00966/2018

Chandigarh, this the 16th day of August, 2018

...
**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)**

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Neetu Singh age 39 years d/o Sh. Jasbir Singh r/o House No. 179, Ram Tirath Road, New Colony, Amritsar – 143107 - Group C

....Applicant

(Present: Mr. Puneet Kumar Bansal, Advocate)

Versus

1. General Manager, Northern Railways, Headquarter, Baroda House, New Delhi -110001.
2. Divisional Regional Manager, DRM Office, Northern Railways, Ferozepur – 152002.

Respondents

(Present: Mr. Lakhinder Bir Singh, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. By way of the present O.A., the applicant has sought issuance of a direction to the respondents to grant him appointment on compassionate grounds, on the demise of her father. Along with the O.A., an MA No. 060/01233/2018 for condonation of delay has also been filed.
2. Heard learned counsel for the applicant.
3. Learned counsel submitted that the applicant is adopted daughter of late Sh. Jasbir Singh. She, immediately after the death of her father on 01.12.2000, submitted an application for appointment on compassionate grounds. In reply thereto, the respondents asked the applicant to furnish succession certificate issued in her favour. To get the requisite certificate, she filed an application under Section 372 of Indian Succession Act, which was allowed vide decision dated 22.01.2004 (Annexure A-2), by Additional Civil Judge (Senior Division) Amritsar. A similar

application was also filed by the father of the deceased employee, without impleading her, which was allowed, vide order dated 22.11.2002 (Annexure A-3), by the Civil Judge (Sr. Division), Ferozepur, and a succession certificate was issued in his favour. On the basis thereof, he got the terminal benefits of the deceased employee. Applicant filed an application for revocation of order dated 22.11.2002 whereby grand-father Saudagar Singh was declared successor of her father, which was dismissed with a liberty to approach the Civil Court for determination of the title on the basis of will and regarding the relationship of being adopted daughter of late Sh. Jasbir Singh (deceased employee). The Civil Suit filed by the applicant was decided in her favour, on the basis of will dated 22.08.1999, vide order dated 13.12.2011. This order of the Civil Court was challenged by her grandfather by filing an appeal, which was dismissed vide judgment and decree dated 15.01.2016 (Annexure A-8), by the Additional District Judge, Ferozepur.

4. Learned counsel submitted that after winning the legal battle, the applicant moved various representations to the respondents to grant her appointment on compassionate grounds. He submitted that delay in filing the O.A. is not intentional as she had to undergo a long legal fight to get succession certificate in her favour. Therefore, the delay in filing the O.A. may be condoned.

5. After hearing learned counsel for the applicant and considering the fact that the applicant was not sitting silent for these long years over the matter and the delay in filing the O.A. has been well explained, we find it a fit case to condone the delay.

6. Ordered accordingly. MA No. 060/01233/2018 stands allowed.

7. Learned counsel further submitted that when the representations filed by the applicant to grant her compassionate appointment went unanswered, she served a legal notice dated 27.05.2018 (Annexure A-11) claiming the relief. However, the same has not been replied till date.

8. Issue notice to the respondents.

9. Mr. Lakhinder Bir Singh, Advocate, appears and accepts notice on their behalf.

10. Learned counsel makes a statement at the bar that the applicant would be satisfied if a direction is issued to the respondents to consider her legal notice and take a view in the matter, in accordance with the relevant policy and in accordance with law, within a stipulated period.

11. Learned counsel for the respondents does not object to the prayer made by the learned counsel for the applicant. He submits that the respondents may be granted two months time to take a view in the matter.

12. Accordingly, the O.A. is disposed of, in limine, with a direction to the respondents to consider the indicated legal notice and take a view in the matter, in accordance with the relevant policy and in accordance with law, within a period of two months from the date of receipt of a certified copy of this order. The order so passed be duly communicated to the applicant.

13. Needless to mention, the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 16.08.2018

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