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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. O.A. 350/00053/2015

Date of order: 16.11.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

SUTAPA PAUL

VS.

UNION OF INDIA & ORS. (S.E. Railway)

For the Applicant : None

For the Respondents : Mr. A.K. Dutta, Counsel

ORDER (Oral)

Per Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard Ld. Counsel for the respondents.

2. The case is taken up for hearing. A preliminary objection has been raised by the respondents that the applicant being wife of civil servant is not a civil servant. In view of Section 14 of the Administrative Tribunal Act, 1985, the All India Service matters pertaining to (i) a Member of any All-India Service; or (ii) a person [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any civil service of the Union or any civil post under the Union; or (iii) a civilian [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any defence services or a post connected with defence can be agitated and that too by the civil servant himself if it falls within the ambit of "service matter" defined in Section 2(q).

3. Hence, the Tribunal can decide the matters/cases of the Civil servant if is alive. Only in exceptional cases where the Civil servant is not capable of pursuing his remedy on account of death, insanity or otherwise the claim may be filed by the legal representatives. Here in this case the

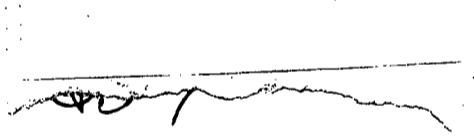
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husband of the applicant has filed the case which is pending before this Court being O.A. No. 1359 of 2013

4. Hence in view of the above, another Original Application filed by Smt. Sutapa Paul, who is admittedly wife of the petitioner cannot be entertained. It is a case wherein the notice to show-cause issued by Estate Officer to husband of the applicant has been challenged by the applicant. The same has been issued against the Civil servant her husband. Hence, we are of the view that this petition is not maintainable. Moreover, none is present for the applicant to press this Original Application. Hence on this account too, this petition is also liable to be dismissed.

5. Accordingly, the O.A. is dismissed. No costs.


(Jaya Das Gupta)
Administrative Member


(Vishnu Chandra Gupta)
Judicial Member

SP