

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW**

**Original Application No. 332/00486/2013
This the 19th day of February, 2018**

Hon'ble Mr. Justice V.C Gupta, Member - J

Rizwana Parveen aged about 41 years W/o Modh. Saleem, R/o Katra Wafa Beg, Chaupatiyan, Lucknow.

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..... Applicant

By Advocate: Sri Amit Verma

VERSUS

1. Bharat Sanchan Nigam Limited, 10th Floor, Chandralok Building, Janpath, New Delhi through its Chairman-cum-Managing director.

2. Chief General Manager (Telecom), BSNL, U.P East Circle Lucknow.

3. Principal General Manager (Telecom), BSNL, Telecom District Lucknow.

..... Respondents

By Advocate: Sri G.S Srivastava

O R D E R (ORAL)

Delivered by: **Hon'ble Mr. Justice V.C Gupta, Member - J**

By means of this O.A the applicant seeks the following reliefs:

- a. To quash the impugned order dated 30.07.2013 passed on behalf of Respondent No. 2 as contained in Annexure A-1 to the O.A.
- b. To pay the cost of this application.
- c. Any other order which this Hon'ble Tribunal deems just and proper in the circumstances of the case be also passed.

2. The impugned order which has been assailed in this O.A reads as under:

“पत्र सं भर्ती/एम-42/23/09

दिनांक: 30.07.2013

सेवा में

श्रीमती रिजवाना परवीन
पत्नी स्व. मो. सलीम

402/1, कटरा वफा बेग,
चौपटिया, लखनऊ

विषय: श्रीमती रिजवाना परवीन पत्नी स्व. सलीम की अनुकंपा के आधार पर भर्ती के संबंध में।

कृपया आप अनुकंपा के आधार पर भर्ती के संबंध में अपने मामले का संदर्भ लें। उपरोक्त मामले में विधिक राय के अनुसार ये निर्णय लिया गया की आप इस मामले में सक्षम न्यायालय के माध्यम से अपने नाम में भिन्नता के संबंध में declaration in rem. As well as declaration in personam इस कार्यालय को उपलब्ध कराएं जिससे नियुक्ति पर विचार किया जा सके।

स. महाप्रबंधक (भर्ती)"

3. It is not in dispute that the applicant Smt. Rizwana Parveen is getting the family pension of the missing employee being the sole wife. Hence, the identity is established. When the identity of the applicant as the wife of missing employee is not disputed, under what circumstances now the department can ask for declaration in rem. It is not in dispute that the applicant is the same lady who is getting the family pension in place of the missing employee namely Mohd. Saleen

7. With the above directions, the petition is accordingly disposed of at the admission stage. There shall be no order as to costs.

(R. Ramanujam)
Member (A)

(Justice V.C. Gupta)
Member (J)

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