

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the **11th** day of **January**, 2019

Present :

Hon'ble Ms. Ajanta Dayalan, Member-A

Original Application No.330/01417/2018

Ankur Saxena a/a 24 years, S/o Vidya Saran Saxena R/o Gali no.2 opposite Dr. Sameer Clinic, Chand Mari, Subhash Nagar, Bareilly.

.....Applicants.

By Advocate –Shri P.K. Ganguly

V E R S U S

1. Union of India through its General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Moradabad.
3. Meenu Saxena d/o Late Vidya Saran Saxena, W/o Prem Babu Station Master Ram Ganga Bridge Station, Northern Railway, P.O. Chaubari, District Bareilly.

..... **Respondents**

By Advocate : Shri G.K. Tripathi

O R D E R

By Hon'ble Ms. Ajanta Dayalan, Member-A :

Learned counsel for the applicant states that the applicant Ankur Saxena is the adopted son of Vidya Saran Saxena, who died in harness in September 2008. The applicant is seeking compassionate appointment.

2. Learned counsel for the respondents states that the daughter of the deceased government servant had already claimed similar relief in which the Tribunal vide its order dated 07.11.2017 had made the finding that Meenu Saxena is the daughter of Vidya Saran Saxena and also that rejection of claim of Meenu Saxena for grant of compassionate appointment on the ground that she was unmarried is

not tenable. The Tribunal had further directed the respondents to take a view on her representation. Learned counsel for the respondents, therefore, states that there are two claimant Meenu Saxena and applicant in this OA i.e. Ankur Saxena for compassionate appointment. Meenu Saxena has been made a party in this case by the applicant.

3. Learned counsel for the applicant states that Ankur Saxena is the adopted son of the deceased government employee. He also makes a statement that he was adopted in the year 1991 (para 4(3) of OA). It is pointed out that as per Annexure-A-14, which is apparently the declaration of family by the deceased Govt. servant, both Meenu and Ankur have been shown as daughter and son of the deceased, besides another son Shivam. However, in this record, date of birth of Ankur is shown as 25.12.1994. These facts may be verified from the service record of the deceased government servant.

4. In view of the circumstances of the case, department is likely to take a view on Meenu Saxena shortly. Learned counsel for the applicant states that he will be satisfied if a direction is given to the respondents to consider the representation of the applicant.

5. Learned counsel for the respondents does not oppose this prayer.

6. The applicant is directed to make a fresh representation before the respondents' department within two weeks. On receipt of representation, the respondent No.2 is directed to take a view on the representation of the applicant by passing a reasoned and speaking

order within a period of three months from the date of receipt of such representation. The order so passed shall be communicated to the applicant.

7. It is made clear that this order should not be construed as any expression or opinion on the merits of the case.

8. In view of the above direction, the OA is disposed of . No costs.

Member-A

RKM/