

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

O.A. No. 232/2018

Date Of Decision 25th February, 2019.

CORAM: R. VIJAYKUMAR, MEMBER (A).

Vijaykumar Muneshwar Prasad Verma,
Age about 33 years,
C/o Paschim Railway Karmachari Parishad
33, Moti Bhavan, 2nd Street, Dr. D'silva Road,
Dadar(W), Mumbai- 400 028.Applicant.
(By Advocate Shri K R Mishra)

Versus

1. Union of India,
Owning and representing
Western Railway,
Through General Manager,
Western Railway, Churchgate,
Mumbai- 400 020.
2. Chief Workshop Manager,
Lower Parel Workshop,
Western Railway Head Office,
Churchgate, Mumbai- 400 020.
3. Smt. Chandramati M. Verma,
A-10, Deep Aangan, Achole Road,
Nalasopara(E), Thane(Now Palghar),
Maharashtra- 401 203.

...Respondents.

(By Advocate Ms. Sangeetha Yadav for R-1 and R-2
and Shri Napoleon Tuscano for R-3)

ORDER(Oral)

When the case was called, applicant again appeared in person and gave excuses on behalf of his counsel who was not present yet again. A final opportunity had been given during the last hearing to learned counsel

for the applicant to appear and argue the matter. In the circumstances, learned counsels for the respondent No. 1 & 2 and respondent No. 3 were heard on the situation of the matter with regard to the respective claims of applicant and respondent No.3 for pension and other terminal benefits. It appears that the applicant obtained Succession Certificate without impleading the respondent No.3 and now respondent No. 3 has filed for Succession Certificate after impleading the applicant. Respondent No.3 is stated to be the legally wedded wife of the deceased employee whom he married in 1996 after the death of his first wife who was the mother of the applicant and his handicapped brother. Although the claim for compassionate appointment rests on proven succession rights of the particular applicant in relation to the deceased employee, the entitlement to such compassionate appointment is based on conditions of immediate distress, penury and state of emergency faced by the family of the deceased employee.

That is a matter to be assessed by relation to facts and in that context, the fact that there is a legally wedded wife who has survived the employee is of considerable consequence. At this moment, we cannot decide the issue of their respective eligibility for compassionate appointment since in the event that the applicant is granted such appointment, he is not likely to maintain the legally wedded wife(second) and her family of the deceased employee. This is also an essential condition for grant of compassionate appointment. At the same time, he has a handicapped brother who he has to maintain. These are substantial legal issues that need to be carefully considered and a decision taken before the matter can come for judicial review before this Tribunal. From that aspect, this OA is patently premature and any consideration will have to await the final views of the official respondents by way of a reasoned and speaking order which they can issue only after they have considered the rival claims of the families

of the deceased employee.

2. In the circumstances, this OA is considered to have been filed prematurely and is accordingly dismissed with directions to the official respondents to expedite their consideration of the respective claims of parties after obtaining all necessary documents in support of their respective claims and to pass orders within three months of receipt of such details and to communicate these orders to both parties within two weeks thereafter. The applicant and respondent No.3 shall do well to cooperate in case they wish to obtain expeditious orders. No costs.

(R. Vijaykumar)
Member (A)

Judgment
15
17

Ram.