

Court No. - 39

Case :- WRIT - A No. - 17549 of 2023

Petitioner :- Smt.Archana Devi

Respondent :- Union Of India And 5 Others

Counsel for Petitioner :- Parashar Pandey

Counsel for Respondent :- C.S.C,Vijay Kumar Mishra

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Syed Aftab Husain Rizvi,J.

1. Heard Shri Parashar Pandey, learned counsel for the petitioner and Shri Vijay Kumar Mishra, learned counsel for Union of India.

2. Present petition has been filed to assail the order dated 19.4.2023 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad, in O.A. No. 330/00179 of 2014 (Smt. Archana Pandey vs Union of India & 4 Ors.). By that order, the Tribunal has dismissed the original application filed by the present petitioner seeking compassionate appointment arising from the death of her husband - Roshan Lal Gupta who suffered an accidental death on 9.3.2012 while undergoing training on the post of Trainee Carriage Fitter, Technician Grade-III post.

3. Suffice to note that against the death of the said Roshan Lal Gupta, the petitioner filed her application for grant of compassionate appointment on 15.9.2012. During pendency of that application, the mother-in-law of the present petitioner first filed an application seeking grant of compassionate appointment in favour of her younger son. Later, she withdrew that application and claimed compassionate appointment for herself. Also, it is a fact that on 11.2.2014, the petitioner's application for grant of compassionate appointment was rejected. It led the petitioner to file original application in question.

4. While that original application remained pending, respondent proceeded to grant compassionate appointment to the mother-in-

law of the petitioner, on 26.5.2016.

5. On specific query made, it could not be established that the petitioner ever challenged the order dated 26.5.2016 by filing any original application or seeking amendment to the original application being filed by her being O.A. No. 330/00179/2014. The fact that the present petitioner may have filed an I.A. in the said original application praying to keep in abeyance the appointment granted to her mother-in-law would be of no avail.

6. It is a settled principle that one death in harness may give rise to only one compassionate appointment. That right having been availed by the petitioner's mother-in-law, it did not survive to the present petitioner to maintain the claim for grant of another compassionate appointment arising from the same death. As to the *inter se* dispute that may exist between the petitioner and her mother-in-law, it would fall outside the scope of service jurisprudence.

7. Suffice to note if the petitioner was aggrieved by grant of compassionate appointment to the mother-in-law, it remained from her to assail that appointment. Mere filing of I.A. with the only prayer to keep an abeyance the appointment granted to the mother-in-law of the petitioner is wholly inadequate and irrelevant.

8. In absence of any direct challenge raised to the compassionate appointment granted to the petitioner's mother-in-law, the Tribunal has rightly rejected the application for that reason.

9. Accordingly, the present petition lacks merit and is **dismissed**.

Order Date :- 28.10.2023
Prakhar

(S.A.H. Rizvi, J.)

(S.D. Singh, J.)