

Correction order

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, KOLKATA

C.A No. 350/0015/2019

PARTICULARS OF THE APPLICANT:

Khagendra Nath Mahato , son of late Khanu Mahato, aged about 52 years, residing at Village Khemakata, Post Office – Salbani, District – Paschim Midnapore, Pin 721 147, West Bengal.

.... APPLICANT

V E R S U S

- I. Union of India, through the General Manager, South Eastern Railway, Garden Reach, Kolkata 700 043
- II. The Senior Divisional Personnel Officer, South Eastern Railway, Adra Division, Adra 723121
- III. The Senior Section Engineers (C&W), South Eastern Railway, Hatia.

.....RESPONDENTS

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CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/15/2019

Date of Order: 31.01.2019

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Khagendra Nath Mahato -vs- S.E Railway

For the Applicant(s): Mr. A. Chakraborty, Counsel

Ms P. Mondal, Counsel

For the Respondent(s): Mr. A . K. Banerjee, Counsel

ORDER ( ORAL )

A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant. Mr. Chakraborty submitted that he has already sent copy of the O.A., along with annexures, to Respondents.

2. As no-one appears on behalf of the Respondents and Mr. A.K.Banerjee, Ld Counsel, who usually appears for the S.E.Railways, is present in the Court, on my request, Mr. Chakraborty has served copy of the O.A., along with annexures, on him as I do not want the Official Respondents to go unrepresented. Heard Mr. A.K.Banerjee, in extenso.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“ An order do issue directing the respondent to grant compassionate allowance in favour of the applicant with effect from the date of removal from service”

4. The case of the applicant, in nutshell, as narrated by Ld. Counsel for the applicant, is that the applicant while working as Fitter Grade III under Senior Section Engineer (C&W) South Eastern Railway, Hatia, was removed from service for unauthorized absence in the year 1997 on culmination of the Enquiry that

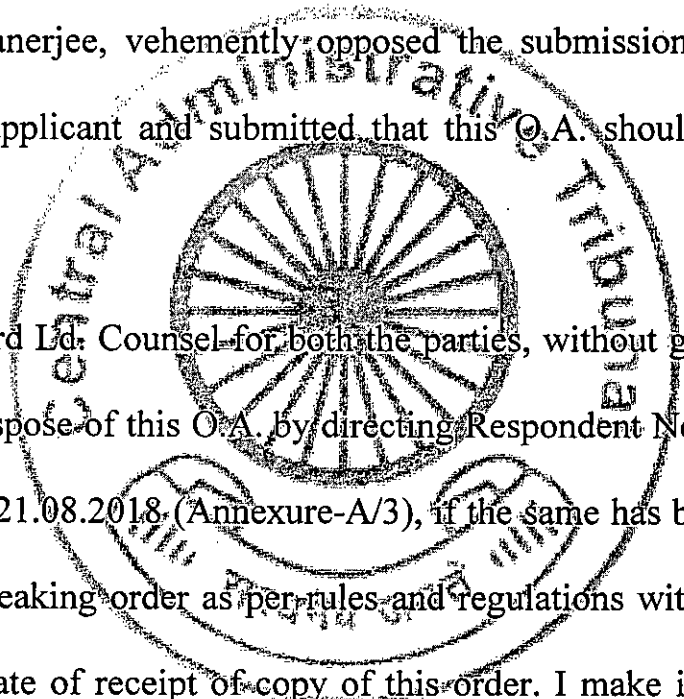
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charge frame against the applicant is substantiated. The applicant made representation before the authority concerned praying for grant of compassionate allowance under Rule 65 of Railways Service Pension Rules since he was removed from service. Ld. Counsel for the applicant submitted that although, ventilating his grievance, the applicant has preferred representation before Respondent No. 2 under Annexure-A/3 on 21.08.2018 but till date nothing has been communicated to him. He further submitted that the applicant's grievance may be more or less redressed if a direction is issued to the said Respondent No.2 to consider the said representation of the applicant within a specific time frame.

5. Mr. A.K.Banerjee, vehemently opposed the submission made by the Ld. Counsel for the applicant and submitted that this O.A. should be dismissed at the threshold.

6. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 2 to consider the representation dt. 21.08.2018 (Annexure-A/3), if the same has been filed, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the grievance of the applicant is found to be genuine then expeditious steps be taken to grant the benefit of compassionate <sup>allowance</sup> ~~appointment~~ to the applicant within a further period of eight weeks from the date of such consideration. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.



Correction made as per order dated 10-01-2020 in MA 350/972/19

*Handwritten signature/initials*

8. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2, for which, he undertakes to deposit the cost with the Registry within a week.
9. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)  
Member(J)

RK/PS

