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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A/350/1812/2017

Date of Order: 04.03.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

1. Alok Bera, aged about 56 years, wife of Late Samir Bera, died in harness before retirement on 16.04.2007 while he was in service to the post of Durwan in Metal & Steel Factory, Ishapore, residing at Basudev Dighir Para, Post Office – Shyamnagar, District – 24 Parganas (North), Pin – 743127.
2. Siddhartha Bera, son of Late Samir Bera, aged about 28 years, residing at Basudev Dighir Para, Post Office – Shyamnagar, District – 24 Parganas (North), Pin – 743127.

--Applicants

-versus-

1. Union of India, service through The Secretary, Ministry of Defence (Defence and Production), Government of India, South Block, New Delhi – 110001.
2. The Director General cum Chairman, Ordnance Factory Board, having his office at 10A, Saheed Khudiram Bose Road, Kolkata – 700001.
3. The Deputy General Manager, Metal & Steel Factory, Ishapore, Post Office– Nawabgunj, District. North – 24 Parganas, Pin 743144.
4. The Joint General Manager, Metal & Steel Factory, Ishapore, Government of India, Ministry of Defence, Post Office– Ishapore; Nawabgunj, Dist. 24 Parganas (North), Pin 743144.

--Respondents

For The Applicant(s): Mr. P. C. Das, counsel

Ms. T. Maity, counsel

For The Respondent(s): Ms. D. Nag, counsel

O R D E R (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

This O.A has been preferred to seek the following relief:

a) Leave be granted to move one single application jointly under Rule (4)(5)(a) of the Central Administrative Tribunal(Procedures) Rules ,1987 as both the applicants have got a common grievance and both of them are similarly circumstanced persons.

b) To quash and/or set aside the impugned order dated 10.11.2017 being Annexure A-12 of this original application by which the claim of the applicant has been rejected on the ground of terminal benefit and pension which is utter violation of the decisions rendered by the Hon'ble Apex Court as well as Hon'ble High Court, Calcutta being Annexure -A-13, A-14, A-15, A-16 and A-17 of this original application.

c) To pass appropriate order directing upon the respondents authority to issue appropriate order in favour of the applicant no. 2 to save the hardship condition of the family of the deceased employee in the light of the decisions rendered by the Hon'ble Apex Court as well as Hon'ble High Court, Calcutta being Annexure -A-13, A-14, A-15, A-16 and A-17 of this original application.

c) To declare that the point system as has been made respondent authority by taking into consideration the terminal benefit and pension of the deceased employee is otherwise bad in law and illegal in view of the decisions rendered by the Hon'ble High Court, Calcutta being Annexure -A-13, A-14, A-15, A-16 and A-17 of this original application.

d) Costs

e) Any other appropriate relief or reliefs."

2. Heard ld. counsel for both sides.

3. Ld. counsel for the respondents would submit that the case of the applicant was placed before the Board of Officers for consideration for appointment on compassionate ground for the year 2014-15, but the applicant could not figure in the list of candidates to be given appointment due to low merit points as he scored 54 points out of 57 merit points.



4. Ld. Counsel for the respondents, however, would submit very fairly that the applicant can be considered in the next CRC meeting.

5. Therefore we direct that respondents shall place the matter before the next CRC meeting and shall communicate the decision immediately thereafter.

6. Accordingly, the present OA stands disposed of. No costs.



(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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