

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA**



O.A. No.350/00108/2016.

Date of order : This the 19th Day of February, 2020.

Hon'ble Mrs.Bidisha Banerjee, Judicial Member



1. Rina Dolui S/o Late Sashi Ram Dolui
Aged about 50 years, residing at
Village Ghatunpur, P.O. Pirpur,
P.S. Uluberia, District Howrah,
West Bengal Pin 711303.
2. Loknath Dolui S/o Late Sashi Ram Dolui
Aged about 22 years, residing at
Village Ghatunpur, P.O. Pirpur,
P.S. Uluberia, District Howrah,
West Bengal Pin 711303.

.....Applicants

- Versus -

1. The Union of India
Through the General Manager,
South Eastern Railways, Garden Reach,
Kolkata 700043.
2. Senior Divisional Personnel Officer -I,
South Eastern Railway, Kharagpur,
District – West Midnapore Pin 721301.
3. Divisional Railway Manager,
South Eastern Railways, Garden Reach,
Kolkata 700043.

.....Respondents

Advocate for the applicants : Mr A.Chakraborty.

Advocate for the respondents: Mr S. Banerjee

ORDER (ORAL)MS BIDISHA BANERJEE, MEMBER(J)

Heard learned counsels for the parties.

2. The applicant, a widow of the deceased employee has sought for employment assistance in favour of her 2nd child, namely, Loknath Dolui, the applicant No.2 herein. Her prayer for employment assistance of her 1st son was turned down on the ground that the certificate she had submitted along with her appeal, which was a School Transfer Certificate issued on 15.02.2005 to Shri Debnath Dolui, was a fake one.
3. The respondents have turned down the prayer of the applicant on the ground that once there is a rejection in favour of one of the children, no other child can be considered, and that there is no existence of 2nd son of deceased employee in the Railway records. The respondents have relied upon a decision of this Tribunal in O.A.718/2016 rendered on 18.08.2016 that "when a candidate has tried to cheat the respondents by way of forged certificate, even if he filed subsequent certificate, the respondents have full authority to consider."
4. On the contrary learned counsel for the applicant relied upon a judgment of Hon'ble Calcutta High Court in W.P.C.T 249 of 2013, whereunder similar circumstances Hon'ble High Court has held as under :

"The respondent authorities herein sought to punish the other members of the deceased family including the petitioner No.2 by refusing to grant employment on compassionate ground to the said petitioner No.2 upon considering the conduct of the elder brother of the petitioner No.2 herein. This is a misplaced punishment on an unerring person for the wrong committed by somebody else in which he had no role to play.

For the aforementioned reasons, we do not approve the decision of the Senior Divisional Personnel Officer, South Eastern Railway dated 13th June, 2012 and quash the same accordingly."

5. In view of the fact that the prayer of the applicant has been turned down on the identical fact, it is a fit case to be remanded back to the respondents. Accordingly the matter is remanded back to the respondents with a direction to take a decision in the light of the decision of Hon'ble High Court supra, within 3 months from the date of receipt of a copy of this order, and to issue appropriate order.
6. O.A is accordingly disposed of. No order as to costs.

(BIDISHA BANERJEE)
MEMBER (J)

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