

LIBRARY

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 35^o/912 of 2015

In the matter of

1. Ujjala Parida.

Wife of Late Bhagawan Parida, aged
about 62 years, House wife.

2. Sasanka Sekhar Parida.

Son of Late Bhagawan Parida, aged
about 41 years, unemployed, both
residing at Vill- Bulbulchati, P.O. Kharagpur,
P.S. Kharagpur (Local)

District Paschim Medinipur. Pm-721301

..... Applicants.

Versus

1. Union of India, through the General
Manager, South Eastern Railway, Garden reach,
Kolkata-700 043.

2. Divisional Railway Manager Kharagpur
Division, Kharagpur, P.O.-& P.S.- Kharagpur
District- Paschim Medinipur. Pm-721301

..... Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/912/2015

Date of order: 26.5.2020

Present : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Ujjala Parida.
Wife of Late Bhagwan Parida, aged
about 62 years, House wife.

2. Sasanka Sekhar Parida.
Son of Late Bhagawan Parida, aged
about 41 years, unemployed, both
residing at Vill-Bulbulchati,
P.O.Kharagpur,
P.S. Kharagpur(Local)
District Paschim Medinipur,
Pin-721301

.....Applicants

Vs.

1. Union of India, through the General
Manager, South Eastern Railway, Gardenreach,
Kolkata-700 043;

2. Divisional Railway Manager, Kharagpur
Division, Kharagpur, P.O. & P.S. Kharagpur,
District-Paschim Medinipur, Pin-721301

.....Respondents

For the Applicant : Mr. T.K. Biswas, Counsel

For the Respondents : Mr. B. Manot, Counsel

ORDER

Per Bidisha Banerjee, Judicial Member

Ld: counsels were heard.

2. The reliefs sought for in this O.A. are as follows:-

"a) For quashing and/or setting aside of the impugned memo as contained in annexure 'A-6' hereto and consequently thereupon to offer compassionate appointment in favour of the applicant no.2 in consideration of the representation dated 12.06.2014 kept lying before the respondent authorities;

b) Leave may be granted to file this application jointly under Rules-4(5)(a) of the Central Administrative Tribunal (Procedure) Rules."

3. The order impugned, is extracted hereunder for clarity:-

S. E. Railway

No. SER/P-KGP/CC/565/OA=1254/11/Ujjali.

Office of the
Divisional Railway Manager
Kharagpur, Dt. 30.07.2014.

To:

1. Smt. Ujjala Parida
W/o Late Bhagwan Parida
Vill: Bulbulchati, P.O Kharagpur - 721301
Dist. Paschim Medinipur
2. Sasanka Sekhar Parida
W/o Late Bhagwan Parida
Vill: Bulbulchati, P.O Kharagpur - 721301
Dist. Paschim Medinipur

Sub: Order dated 02.04.2014 passed by Hon'ble CAT/Calcutta Bench,
In OA No. 1254 of 2011 – Smt. Ujjala Parida W/o Late
Bhagwan Parida Vs. Union of India & Others.



The original application bearing OA No. 1254 of 2011 & MA.No. 548 of 2011, was filed by you seeking for employment assistance on compassionate ground.

The Hon'ble CAT by its order dated 02.04.2014 have disposed off the writ petition with a direction that

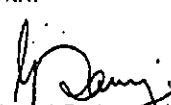
"Having considered the matter in its entirety, we are of the considered opinion that it will be expedient if a direction is issued to the respondents to consider the representation filed by the applicant for the ends of justice by giving a personal hearing to the applicant and also taking note of the documents of the applicant. We order accordingly".

Pursuant to the Hon'ble CAT/CAL's order dated 02.04.2014 on the subject matter, you were given personal hearing on 10.06.2014 at 12.00 hrs in the office of the undersigned when you had submitted another representation dated 12.06.2014 along with enclosures.

As it was noted that the records of earlier enquiry were untraceable in the office, a fresh enquiry was conducted for processing your case *de novo* as per norms. Accordingly, an enquiry was conducted for verification of all the documents, service records along with verification of school certificate as per school records of the concerned school. In the enquiry report, it has been concluded that the TC no. 303 issued on 08.05.2008 in favour of Sasanka Sekhar Parida is fake.

Accordingly, application for compassionate appointment in favour of Sasanka Sekhar Parida S/o late Bhagwan Parida is regretted.

Thus, Hon'ble CAT/CAL's Order dated 02.04.2014 is complied with.


Divisional Railway Manager
S. E. Railway, Kharagpur

"South Eastern Railway

Note

Office of the DRM(P)/KGP
Date-05.07.2014

*Sub- Verification of VIII (Eight) passed TC No.303
Dated-08.05.1998 of Sashanka Sekhar Parida, S/o Bhagwan Parida.*

Ref-i) Order of DPO-I Dated-

*ii) Ch.OS/IC/Court cellsletter no.SER/P-KGP/565/CC/ACSOA-1254/11/UP
dated 23.06.2014.*

As desired by the competent authority in the above note undersigned has visited the School on 02.07.14 and verified the T.C.No.303 which was issued to Sri Shasanka Sekhar Parida S/o Bhagwan Parida and found fake.

a) Reason may kindly be perused below-

i) Candidate (Shasanka Sekhar Parida) is permanent inhabitant of Kharagpur where so many School are there for study, but in spite of it he studied at remote village school at Boresole which is 75 to 80 Km far away from Kharagpur however his staying place at jhargram which is also about 25 -30 KM from the school.

iv) As per my requirement although school authority has show me the Counterfoil of TC, Admission Register, Progressive report register which is well preserved for long years about for 16 yrs, 34 yrs and 29 yrs respectively(Xerox copy of related page duly attested by the School authority enclosed herewith for your kind perusal but could not show me any attendance register(Class-V, VI, VII, VIII).

vii) After all, undersigned has verified & checked carefully the TC which was issued to Shasanka Sekhar Parida S/o Bhagwan Parida and counter foil of TC of the same enclosed herewith, please be seen at P/8 and P/9 and found irregularity that name of the candidate is clearly manipulated as the name is over written on another's name and fathers name is not tallied with counter foil of TC, where clearly founded that fathers name in T.C. is Bhagwan Parida but in Counter foil of TC-fathers name is Bhuban Parida which is totally unmatched.

Mentionable that TC was issued by the Ex Head Master.

However the present Teacher in charge of the school certified as per admission register may please be seen at P/10 but he did not certify that whether TC is Genuine or not.

Seeing all the points mentioned above under signed came to conclusion that No.303 issued on 08.05.98 in favour of Shasanka Sekhar Parida is FAKE.

Submitted for kind information and necessary action please.

*(BADAL SAREN)
Ch. Staff & Welfare Inspector"*

4. The applicant has alleged that before rejecting his claim for employment assistance on compassionate ground, the authorities ought to have ascertained the genuineness of the school certificate.

5. We decipher a verification report that says as under:-

"South Eastern Railway

Note

Office of the DRM(P)/KGP
Date-05.07.2014

Sub- Verification of VIII (Eight) passed TC No.303
Dated-08.05.1998 of Sashanka Sekhar Parida, S/o Bhagwan Parida.

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b) Reason may kindly be perused below-

ii) Candidate (Shasanka Sekhar Parida) is permanent inhabitant of Kharagpur where so many School are there for study, but in spite of it he studied at remote village school at Boresole which is 75 to 80 Km far away from Kharagpur however his staying place at jhargram which is also about 25 -30 KM from the school.

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(BADAL SAREN)
Ch. Staff & Welfare Inspector"

6. It is evident from supra that the Welfare Inspector conducted the enquiry and gave his report. It is discernible that no report from School Authority is forthcoming to prove that the Transfer Certificate in question was not issued to the applicant. Penury, however, is not disputed.

7. Under such circumstances, this Tribunal feels it expedient in the interest of justice to quash the order dt. 30.07.2014 and direct the respondents to approach the school authorities to find out whether the T.C. submitted by the applicant is a genuine one and based on their revelation, to act further in accordance with law.
8. Let appropriate order be issued within 2 months from the date of obtaining such certificate.
9. The O.A. accordingly stands disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

sb

