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O. A No. 350/450/2020

AN APPLICATION

Under Section 19 of the Administrative Tribunal Act, 1985.

BETWEEN

1. Smt. Nupur Banerjee, wife of Prasanta Bandyopadhyay, aged about 45 years, by profession housewife.

2. Shri Pallab Banerjee, son of Prasanta Bandyopadhyay, aged about 24 years, by profession student.

- both residing at 39 A.C. Mitra Lane, Khosh Bagan, Ward No. 32, P.O. & P.S. - Burdwan, District - Purba Burdwan, PIN - 713 101.

.....Petitioners/Applicants

- Versus -

1. Union of India, through the General Manager, Eastern Railway, Fairlie Place, Kolkata - 700 001.

2. Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata - 700 001.

3. Divisional Railway Manager, Eastern Railway, Asansol Division,

Pin code - 713 301.

4. Sr. Divisional Personnel Officer,

Eastern Railway, Asansol Division,

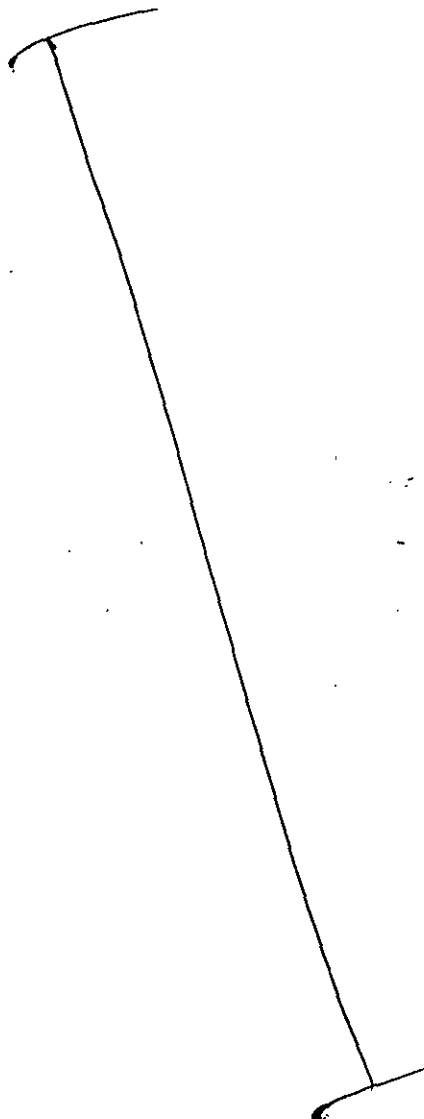
Pin code - 713 301.

5. Sr. Divisional Commercial Manager,

Eastern Railway, Asansol Division,

Pin code - 713 301.

.....Respondents



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

OA/350/450/2020

Date of Order: 03.07.2020

M.A.No. 256/2020



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

Nupur Banerjee & Another.....Applicants

Vrs.

Union of India & Ors:Respondents

For the Applicant(s): Mr. B.R.Das & Mr. K.K.Ghosh, Counsel

For the Respondent(s): Mr. B.P.Manna, Counsel

ORDER (ORAL)

Bidisha Banerjee, Member (J):

Heard Ld. Counsels appearing for both the parties.

2. M.A.No. 256/2020 filed for joint prosecution of this case by the mother and the son is allowed and disposed of accordingly.
3. This O.A. has been filed by the applicants to seek the following reliefs:


"I. Rescind, recall and withdraw the orders being Annexures-A1 & A2 rejecting the case for compassionate appointment of the petitioner No.2;

II. Consider the case of petitioner No.2 on the basis of his educational qualifications being Annexure-7 after proper verification and direct appointment in a suitable post including a Group-D post in Indian Railways;

III. Certify and transmit the entire records and papers pertaining to the applicants' case so that after the causes shown thereof conscionable justice may be done unto the applicants by way of grant of reliefs as prayed in (I & II) above;

IV. Pass such other order/orders and/or direction/directions as deemed fit and proper;

V. Costs."



4. The case of the applicants, in a nutshell, is that they are the wife and son of Sri Prasanta Bandyopadhyay, who while working as Sr. Goods Guard in Eastern Railways, Asansol Division was medically incapacitated and declared unfit for any Railway service. Hence, he opted for voluntary retirement, which was duly acceded to. Thereafter, compassionate appointment was sought for in favour of the son. However, his Graduation certificate issued from the Bundelkhand University at Jhansi, which is stated to be procured by the applicant through distant learning programme, was found to be fake. An FIR has been lodged by the applicant in that regard and matter is under investigation.

Ld. Counsel for the applicant at this stage states that the applicant had no intention to mislead the Department and he himself is a victim of fraud and hence he prays that the case of the applicant for compassionate appointment can be considered by the respondent authorities based on the Madhyamik and Higher Secondary Examination from West Bengal; for which he has made representation on 12.03.2020 (Annexure-A/3) before the DRM, Asansol Division (Respondent No. 3).

4. Having heard Ld. Counsel for both the parties and after going through the materials on record, we dispose of this O.A. with a direction upon the respondent No. 3 to consider the case of the applicant for compassionate appointment in accordance with law taking into account the certificates of Madhyamik and Higher Secondary Examination, which the applicant will forward before the competent

authority along with a copy of this order. Appropriate orders shall be issued within three months therefrom.

This O.A. stands disposed of accordingly.



(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member(J)

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