

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
O.A. No. 050/00723/2019

Date of Order: 19th January, 2021

C O R A M

HON'BLE MR M.C. VERMA, MEMBER [J]
HON'BLE MR. SUNIL KUMAR SINHA, MEMBER [A]

1. Asha Devi, W/o Late Madan Mandal, At – Kantpur, P.O. – Nawagarhi, P.S. – Naya Ram Nagar, District – Munger.
2. Bhanu Devi, W/o Late Madan Mandal, At – Kantpur, P.O. – Nawagarhi, P.S.-Naya Ram nagar, District – Munger.

..... Applicants.

By Advocate :- Shri Jayant Kr Karn.

-Versus-

1. The Union of India, through the General Manager, Eastern Railway, Fairlee Place, Kolkata – 700001.
2. The Chief Personnel Officer, Eastern Railway, Kolkata – 700001.
3. The Divisional Railway Manager, Eastern Railway, Malda Division, Malda - 732102
4. The Chief Works Manager, Jamalpur Railway Workshop, Eastern Railway, Jamalpur – 811214.
5. The Chief Welfare Inspector, Railway Workshop, Eastern Railway, Jamalpur – 8112014.

..... Respondents.

By Advocate :- Shri S.K. Ravi.

O R D E R (O R A L)
Per M.C. Verma, M[J]

1. Matter relates to appointment on compassionate ground.

The O.A. has been filed jointly by two applicants namely, Asha Devi and Bhanu Devi the first and second wife respectively of Late Madan Mandal, employee of the respondent's Department. It has further been pleaded in the O.A. that Late Madan Mandal died in harness, while was in service, that both applicants are living together and family pension has been divided equally between them by the respondents. It has further been pleaded that first wife i.e. Asha Devi is issueless and



that they requested the respondents to give appointment to Krishna Mohan the son born to the Late employee through the second wife and required no objection was submitted. Copy of the request for compassionate appointment, given to the respondents has placed as Annexure – A/3 Series. That Welfare Inspector of the Department made enquiry from villagers but no decision has yet been taken by the respondents. In support of their claim, the applicants have also placed on record the copy of the testimonial certificates of Anand Mohan as well as affidavit of Asha Devi and details of family of the deceased employee served by the Mukhiya of the village.



2. Notice of the said O.A. was issued on 30.07.2019. The OA did come on Board five times till 03.03.2020 but no reply was filed by the respondents. Due to pandemic of Covid-19, the O.A. when was not listed, applicant preferred M.A./050/00219/2020 requesting for early hearing and said application was disposed of, with direction to list the O.A. and hence is this OA on Board today.

3. It is informed that written statement has not yet been filed. Learned counsel for respondents states that written statement is almost ready and requesting to grant some more time to file reply, he simultaneously informed that no application for compassionate appointment is available in the office of the respondents. It is enquired from learned counsel that if no application is available then what decision by respondent about compassionate appointment would be there and whether it would not be a sheer wastage of time to adjourn the case for WS and he requests to pass appropriate order.

4. Learned counsel for the applicant to show that representation for appointment was given, referred Annexure -A/3 Series (page No.13-17 of OA) and the endorsement of receiving of respondents on request made by Krishna Mohan which is at page No.17 of the OA. Surprisingly, neither the request is having any date nor endorsement of receiving bears any date and further the person who affixed initial about receiving of request is not ascertainable.



5. Having taken note of entirety especially the submission of learned counsel for respondents that no record of request for compassionate appointment is there in the office of respondents, we think it would not be proper to keep the matter pending for want of written statement, as no useful purpose would be served.

6. Learned counsel for applicant, at this stage submits that it would be appropriate to dispose of the O.A. with direction to the respondents to consider the request of the applicants for appointment on compassionate ground of their son. He further submits that opportunity may be granted to the applicants to prefer a fresh application for appointment on compassionate ground. Counsel for respondents also gave his nod to said submission.

7. Taking note of nature of the matters and other surrounding circumstances, it deems appropriate to dispose of this O.A. with liberty to the applicants as well as to their son Krishna Mohan to give a fresh application for appointment on compassionate ground and direction to the respondents that if any such request, on behalf of Asha Devi or Bhanu Devi or Krishna Mohan is received

within one month, the respondent authorities shall take final decision about appointment on compassionate ground, within a period of three months from the date of receipt of application of either of the trio.

Ordered accordingly.

8. O.A. stands disposed of accordingly. No costs.



[Sunil Kumar Sinha]

Member [A]

sk/s/-

[M.C. Verma]

Member [J]