

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

OA/050/00439/2020 MA 194/2020

Date of Order :03.12.2020

C O R A M

HON'BLE MR. M.C.VERMA, JUDICIAL MEMBER
HON'BLE MR. SUNIL KUMAR SINHA, ADMINISTRATIVE MEMBER



1. Chinta Devi, W/o Late Raju Paswan, Village-Janidih, P.O.-Ghogha, District- Bhagalpur, Bihar.
2. Sandeep Kumar Paswan, S/o Late Raju Paswan, , Village-Janidih, P.O.-Ghogha, District- Bhagalpur, Bihar.

..... Applicants.

- By Advocate : Shri Jayant Kumar 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 Welfare Officer, Eastern Railway, Bhagalpur-812004.

..... Respondents.

By Advocate :- Shri S.K. Ravi, Id. SC

O R D E R [ORAL]

Per M.C.Verma, Member (Judl.):- Heard. Matter is at notice stage hearing. Today is the second date. When this matter is coming on Board, this OA has been preferred jointly by two applicants namely Chinta Devi and Sandeep Kumar Paswan.

Chinta Devi is the widow of deceased employee namely Raju Paswan and Sandeep Kumar Paswan is the son of the said deceased employee and request was made to the respondents for appointment of applicant no. 2 on compassionate ground stating that Raju Paswan employee of respondents while in service died in harness. Respondents has rejected said request vide order dated 29.09.2020 stating that candidature of Sandeep Kumar Paswan as a son of late Raju Paswan could not be established. The operative portion of impugned order is reproduced below :-



“Compassionate Appointment case of Sri Sandeep Kumar Paswan son of Late Raju Paswan, Ex-Track maintainer under SSE (P.Way-I)JMP has been examined carefully and meticulously by the competent authority.

This has been observed that the candidate i.e. Sri Sandeep Kumar Paswan has passed the Matriculation Examination in the year 2018. The Ex-Railway employee has submitted family declaration in the year 2019, declaring the date of birth of the candidate as 02.01.1982. It means that the father had submitted the family declaration just after his son, passed matriculation examination. On perusal of matriculation marksheets of the candidate, it is seen that the date of birth of the candidate is 05.06.1999. Therefore, there is difference of more than 17 years in the date of birth of the candidate when compared with the date of birth of the candidate on the family declaration submitted by the Ex-Railway employee during his life time and matriculation marksheets of the candidate. As per the counterfoil of privilege pass issued in the years 2019, the same has been issued in favour of the Ex-Railway employee and his wife only. Obviously, the wards of the Ex-Railway employee were major at the time of withdrawing privilege passes in the year 2019, the Ex-

Railway employee did not applied for privilege passes in favour of any ward.

In the instant compassionate appointment case there is concealment of information, suppression of facts and impersonation, and genuineness of the candidate is doubtful.

Under the circumstances indicated above, the candidature of Sri Sandeep Kumar Paswan as a son of Late Raju Paswan, Ex-Trackmaintainer under SSE (P.Way-1)JMP could not be established and accordingly, competent authority has regretted the appeal of Sri Sandeep Kumar Paswan for compassionate appointment."



2. In instant OA, applicants have pleaded that Sandeep Kumar Paswan is the son of Late Raju Paswan. He has enclosed with this OA, the certificate of family members issued by Circle Officer, Educational testimonials of Sandeep Kumar Paswan, copy of Aadhar Card and certificate issued by Gram Panchait Janidih which purportedly signed by 24 villagers as well. On last date, when matter came on Board, learned counsel for respondents took adjournment stating that he wants to seek instruction from the respondents. Today, learned SC Shri S.K. Ravi appeared for respondents and submits at Bar that he was orally informed by the respondents that they are ready to enquire about the Sandeep Kumar Paswan who is claimed to be son of Raju Paswan. After having inquiry, if respondents found that Sandeep Kumar Paswan is the son of late Raju Paswan then they will take further necessary action.

3. Learned counsel for the applicant submits that he is have no objection if the OA is disposed of acting upon submission of learned counsel for respondents and with direction to consider the case of applicants afresh.

4. Taking note of entirety, this OA is disposed of with direction to the respondents to have necessary inquiry to pass a appropriate and reasonable order afresh qua compassionate appointment of Sandeep Kumar Paswan, within three months from the date of receipt of a copy of this order.

5. Needless to say, when we are directing to the respondents to consider the case afresh, the impugned order of this OA has become non-east and therefore, to avoid complication impugned order dated 29.09.2020 is set aside. MA pending with this OA is also stand disposed of. No costs.

[Sunil Kumar Sinha]
Member (A)

[M.C. Verma]
Member (J)

Pkl/



