

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA



No.O A.350/455/2018

Date of order : 18.3.2021

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member

1. SMT. SWAPNA PATRA
2. SMT. KEYA PATRA

- Applicants

-Versus-

1. UNION OF INDIA, through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata-700 001;
2. THE DIVISIONAL RAILWAY MANAGER, Eastern Railway, Sealdah Division, Kolkata-700 014

-Respondents

For the applicant : Mr. N. Roy, counsel

For the respondents : Mr. S. Roy, counsel

ORDER

The applicants have jointly preferred this O.A. to seek the following reliefs:-

- "a) To issue direction upon the respondents to give appointment to the Applicant No.2 forthwith on compassionate ground;
- b) To issue further direction upon the respondents to quash/cancel and/or set-aside the impugned order dated 01.01.2018 forthwith;
- c) Any other order or further order or orders as deem fit and proper under the circumstances of the case;
- d) To produce connected departmental record at the time of hearing of the case;
- e) Leave may be granted to file joint application under rule 4(5)(a) of the CAT (Procedure) Rules, 1987."

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2. The admitted facts as noted from pleadings are as under:-

One Biswanath Patra was working as TTE/Sealdah in Eastern Railway who expired while in harness on 02.10.2014, leaving behind widow Smt. Swapna Patra and one married daughter Smt. Keya Patra. His widow had filed an original application bearing No.O.A.298/2017 before this Tribunal for consideration of her representation dated 28.03.2016 for appointment on compassionate ground in favour of Applicant No.2. This Tribunal by its order dated 16.05.2017 directed the Respondent No.2 to consider and dispose of the representation dated 28.03.2016 by issuing a well reasoned order as per rules and intimate the result to the applicants within a period of three months from the date of receipt of a certified copy of that order. Applicant No.2, Smt. Keya Patra submitted an application for appointment on compassionate ground in prescribed format through speed post, which was received by the office on 14.07.2017 and after receiving a copy of the order of this Tribunal dated 16.05.2017, a letter was issued to Applicant No.2 on 26.07.2017 for submission of some documents.

Pursuant thereto, the Applicant No.2 submitted some documents on 21.08.2017 and an affidavit on 23.11.2017. Their case was processed for verification, the file was put up to the competent authority and the prayer of the Applicant No.2 was rejected by a reasoned order dated 01.01.2018 issued by the Divisional Railway Manager, Eastern Railway, Sealdah on the ground that the Applicant No.1 received settlement dues of Rs.17 lakhs after the death of her husband and she is drawing pension of more than Rs.20,000/- per month and such amount is more than sufficient for sustenance of a family of one member i.e. wife of the deceased employee. As such, there is no need to have another person as bread earner for the family of only one member i.e. the widow.

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wife of the deceased employee. As such, there is no need to have another person as bread earner for the family of only one member i.e. the widow.

4. The respondents have alluded that it is now well settled principle that offer of compassionate appointment is to be made only to the members of such bereaved family which is in destitution and to really deserving cases, as compassionate appointment is largely related to the need for immediate assistance to the family in order to relieve it from economic distress on sudden death of the bread earner.

5. Ld. counsel for the applicants in his faint attempts to justify the claim would submit that the widow had incurred a big loan for treatment of her husband and she is suffering from various ailments. No supporting documents have been produced.

6. In view of the above, the claim fails and the O.A. is dismissed. No costs.

(Bidisha Banerjee)
Judicial Member