

In the Central Administrative Tribunal, Calcutta

Bench, Kolkata

O.A. No. 350/944/2020
Particulars of Applicant

1 SMT SUSHILA SHAH, Wife of Late Kamal Sah, CMD(OG) Nationality: Indian, residing at 126, Motilal Gupta Road, P.O: Barisha, P.S: Haridevpur, Kolkata-700008, Dist: South-24-Parganas, State: West Bengal.

2 SUMIT KUMAR TIWARI, S/o: Krishna Tiwari, Nationality: Indian, residing at 83/B, Motilal Gupta Road, Kolkata-700082.

....Applicants

VERSUS

1 The Union of India, through Secretary, Ministry of defence, South Block, New Delhi-110001.

2 GE(P) (Navy & CG) Kolkata P7, Damodar Complex, Naval Transit Accomodation, Garden Reach Road, Hastings, Kolkata-700023

3 The Dir (Pers & Legal) Chief Engineer, Kolkata zone Military Engineer services, Barrage Maidan camp, Gurusaday Road, Kolkata- 700019.

4 The AD II, SO-III (Records) Chief Engineer Eastern Command, Head Quarter, Engineer Branch, Fort William, Kolkata-700021

5 The Sr Accounts officer (P) Area Accounts officer, E.M Block, Sector: V Salt Lake, Kolkata-700091

6 The Sr Accounts officer (P) O/O The PCDA, Draupadi Ghat, Allahabad- 211014

7 The GE (CG) P-202, C.E. Navy Station Road, Waltair, R.S Visakhapatnam, Urban, Andhra Pradesh-530001, India

Respondents

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

O.A.No. 350/944/2020
MA No. 524/2020

Date of Order: 05.01.2021



Coram: Hon'ble Mr. Tarun Shridhar, Administrative Member

Smt. Susila Shah & Anr. Applicant

- V E R S U S -

Union of India & Ors. Respondents

For the Applicants : Mr. N.Roy, Counsel

For the Respondents : None

ORDER (Oral)

Tarun Shridhar, Administrative Member:

Heard Ld. Counsel for the applicant and examined the record of the case.

2. By virtue of this O.A., the applicant No.1 seeks employment on compassionate grounds in favour of her nephew. Her application to this effect has already been rejected by the respondent authorities.

3. Brief facts of the case are that the husband of applicant No.1 went missing in the year 2003 while in service of the respondents. He has not been traced since then and presumed dead. Thereafter, applicant No.1, the widow of the deceased employee, has been sanctioned family pension and other benefits. However, she now seeks employment in favour of her nephew, applicant No.2 herein, stating that the nephew was the dependant of the deceased as they did not have any child. The authorities have rejected this request on the ground that the nephew is

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not eligible for employment on compassionate grounds and the deceased employee in his declaration had never included the name of the nephew as a dependant.

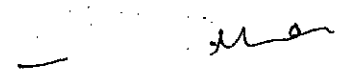


4. Ld. Counsel for the applicant draws attention to an affidavit submitted by applicant No.1, i.e. the widow of the deceased employee, therein she has affirmed that applicant No.2, her nephew, has been a bonafide dependant of the deceased employee. Hence, he should be considered for employment on compassionate grounds.

5. The above contention of applicant No.1 is farfetched to be given much credence as introducing dependant at this belated stage certainly will not be acceptable to any employer. Moreover, the service record of the deceased employee also does not make any mention of nephew being a dependant and hence a bonafide beneficiary of the benefit, which may accrue to the legal heirs. In view of this, I do not find this O.A. fit for admission. It is disposed of accordingly.

6. M.A. 524/2020, filed for joint prosecution of this case, also stands disposed of.

No costs.


(Tarun Shridhar)
Member (A)

RK