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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A. No.350/00 1042 of 2018
MA-350/520/2018

1. **ANIL KUMAR PRASAD**, son of Late Bhrigunath Prasad, aged about 37 years, residing at Village Chakla, P.O. Chandua, P.S. Brizpur, District : North 24-Parganas, Pin-743145, West Bengal.

2. **SMT. CHINTA DEVI**, wife of Late Bhrigunath Prasad, (Ex. Tech III employee, Ex-T/No. 24063 in the Shop No. 24 C&W under Eastern Railway/Kanchrapara) aged about 68 years, residing at Village- Chakla, P.O. Chandua, P.S. Brizpur, District : North 24-Parganas, Pin-743145, West Bengal.

... APPLICANTS

V E R S U S

1. **UNION OF INDIA**, service through the General Manager, Eastern Railway, having its Office at 17, Netaji Subhas Road, Fairlie Place, Kolkata-700001.

2. **THE CHIEF WORKS MANAGER,**

Eastern Railway, Workshop
Kanchrapara, P.O. Kanchrapara, P.S.
Bizpur, District : North 24-Parganas,
Pin-743145.

3. **THE WORKSHOP PERSONNEL**

OFFICER, Eastern Railway, Workshop
Kanchrapara, P.O. Kanchrapara, P.S.
Bizpur, District North 24-Parganas, Pin-
743145.

4. **THE ASSISTANT PERSONNEL**

OFFICER, Eastern Railway, Workshop
Kanchrapara, P.O. Kanchrapara, P.S.
Bizpur, District North 24-Parganas, Pin-
743145.

... **RESPONDENTS**

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA**

No.O.A.350/1042/2018
M.A.350/520/2018

Date of order : 7.9.2021

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

ANIL KUMAR PRASAD & ANOTHER

VS.

**UNION OF INDIA & OTHERS
(Eastern Railway)**



For the Applicant : Mr. B. Chatterjee, counsel

For the Respondents : Mr. D. Basak, counsel

ORDER

Ld. counsel for both sides were present and were satisfied with the quality of audio/video during hearing.

2. This matter was taken up by Single bench in view of the revised list dated 04.04.2000 issued under Sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985. As no

complicated question of law was involved, the matter was taken up for disposal with the consent of both the parties.

3. The M.A.350/520/2018 which is for permission to file joint application under Section 4(5)(a) of C.A.T.(Procedure) Rules, 1987, stands allowed.

4. The applicant No.1 being the son of Late Bhrigunath Prasad and applicant No.2 being the wife of Late Bhrigunath Prasad have jointly preferred this O.A. to seek the following reliefs:-

"a) An order do issue directing the respondents authority to quash and set aside the impugned order dated 12.05.2018 issued by the Workshop Personnel Officer for Chief Works Manager, Eastern Railway, Kanchrapara;

b) An order do issue directing the respondents authority to issue appointment on compassionate ground in favour of the applicant No.1 in any post within a very reasonable time;

c) An order directing the official respondents to produce/cause production of all records relating to the subject matter of the case;

d) Any other appropriate relief or reliefs as your Lordships may deem fit and proper."

5. The order dated 12.05.2018(Annexure A/13) impugned in the present O.A. reads as under:-



No. E/Con/Court Case/AKP

Dated: 12/5/2018

SPEAKING ORDER

Sub: O.A No: 350/09/2018; M.A NO: 350/11/2018 and OA
350/179/2016-Anil Kumar Prasad & Anr-Vs-UOI & Ors.

The Honble Tribunal was pleased to dispose of the aforesaid matter vide Order dtd: 24.1.2018, interalia directing the respondents authorities more particularly the respondents nos 2, before whom the representation are pending to consider the prayer of the applicant and pass a reasoned and speaking order within a period of 3 months from the date of receipt of the copy of this order. The decision so arrived at shall be communicated to the applicants forthwith.

Pursuant to the Honble Tribunal's order, the representation of the applicant was examined in details and the undersigned has come to the following conclusion.

Brief facts of the case in a short compass is that consequent to the death of deceased Rly Employee Late Bhriugu Nath Prasad on 9.4.2013, as per norms one S&WI was deputed to enquire into the matter and submit report in regard to legal heirs of the deceased Rly Employee. The following facts have come to fore.

1. Smt. Chinta Devi is the 1st wife of the deceased Rly Employee, Anil Kumar Prasad was born out of wed-lock in between Smt. Chinta Devi and Late Bhriugu Nath Prasad.
2. Smt. Hira Devi is the 2nd wife of the deceased Rly Employee and out of second wed lock five daughters and one son namely Sangita Kumar (M/D), Renu Kumari (M/D), Rinku Kumari (M/D), Pinki Kumari (U/M/D), Jyoti Kumari (U/M/D) and Ankit Kumar (Son) were born.

While the department initiated process to release the settlement dues of Late Bhriugu Nath Prasad as per Railways extant Rules, Smt. Hira Devi 2nd wife filed TS No. 4 of 2014 before Honble Civil Judge Jr. Division/Barrackpore and due to such litigation pending before the Honble Court, payment of settlement dues could not be released. Subsequently, Honble Court allowed the plaintiffs to withdraw the suit vide order dtd: 12.4.2016. Bare perusal of the Honble Courts order dtd: 12.4.2016 it is observed that the petition was allowed on consent.



Subsequently, Anil Kumar Prasad and Smt. Chinta Devi, applicant no. 1 & 2 respectively, filed M.A. 350/179/2016, M.A. 350/11/2018, O.A. 350/09/2018 before Honble CAT/CAL, praying for payment of settlement dues and appointment on compassionate grounds of Applicant No. 1 Anil Kumar Prasad.

The Honble Tribunal was pleased to dispose of the matter vide Order dtd. 24.1.2018 with certain direction to the respondents as enumerated above.

In compliance of the Honble Tribunal's Order dtd. 24.1.2018, the case was processed by deputing S&WL and almost reached its finality when this office is in receipt of a Notice dtd. 20.4.2018 along with the copy of Original Application No. 545 of 2018 and annexures, from Advocate Arup Kumar Chatterjee on behalf of his clients Smt. Hira Devi mentioning thereto that the said applicant has been filed on 19.4.2018 before Honble CAT/CAL Bench and the same is fixed for hearing on 8.8.2018.

The applicant Hira Devi filed the aforesaid application seeking the following reliefs:

- a) Your lordship passed an order directing the respondents to stop the disbursement of DCRG of Late Bhrihu Nath Prasad to the Respondent no. 5 and 6 and to stop the compassionate appointment to the respondent no. 5 until the disposal of this application.
- b) And Interim order restraining the respondents for not giving effect the order dtd. 24.1.2018 passed by this Honble Tribunal in O.A. 350/09/2018, M.A. No. 350/11/2018 & M.A. 350/179/2016 and to allow the representation made by the Advocates letter dtd. 21.3.2018 in Annexure-P-1.

Since, the cause of action is still subjudice before the Honble Tribunal among the parties, the undersigned is of the opinion no decision in regard to payment of settlement dues and appointment on compassionate grounds to the wards of deceased Railway Employee can be taken unless the same is decided by the Honble Court.

In compliance to the Honble Tribunal's Order dtd. 24.1.2018, the representation of the applicant Anil Kumar Prasad dtd. 24.6.2013 is disposed of.

(J. P. Shaw)

Workshop Personnel Officer
For Chief Works Manager
Eastern Railway, Kanchrapara



6. A bare perusal of the said order reveals that admittedly and indubitably the authorities have miserably confused the issue of disbursement of settlement dues and grant of compassionate appointment to the legal heir of the deceased employee.

7. This Tribunal has recorded in its order dated 24.03.2021, in regard to O.A.545/2018 filed by one, Hira Devi that, "reportedly she passed away in July, 2020," and directed the respondent authorities to depute an Inspecting Officer "to ascertain the status of the applicant, Hira Devi and to furnish a report to that effect". In regard to the present O.A. i.e. O.A.1042/2018, Ld. Counsel for the applicant was allowed to produce an order of this Tribunal in O.A.1134/2018(Manoj Sharma vs. Union of India) which was upheld by the Hon'ble Apex Court. The respondents were directed to take instructions in regard to applicability of the said ratio to the present O.A.



Pursuant to such directions Ld. Counsel for the respondents Mr. D. Basak submitted on 03.08.2021 that a Welfare Inspector was deputed in terms of the earlier direction of this Tribunal and such Inspector upon enquiry from the neighbours of Hira Devi reported that she had expired and the respondents have admitted the fact that the applicant No.2 in the present O.A., namely, Chinta Devi is the first wife and applicant No.2 i.e. Anil Kumar Prasad is the son from the first wedlock of the deceased employee with Chinta Devi. It is also noted that T.S.4 of 2014 preferred by Hira Devi, admittedly the 2nd wife of the

deceased was withdrawn and an order to that effect dated 12.04.2016 was annexed as Annexure R/2 to the reply.

Annexure A/11 to the O.A. dated 09.04.2018 reveals the following status of the final settlement dues of Late Bhrigunath Prasad:-

EASTERN RAILWAY

No. W/155/PS/Settlement/2018 Dated: 09.04.2018

To
The Dy. Chief Mechanical Engineer(C),
E.Rly./Kanchrapara.

Sub: Payment of Final Settlement of Late Brighu Nath Prasad, Ex. T/No. 24063, died on 09.04.2013.

As per order of Hon'ble CAT/CAL dt. 24.01.2018 against OA NO. 390/09/2018, MA No. 350/11/18,350/179/2016, the Final Settlement Forms have prepared in favour of Legal heir of Late Brighu Nath Prasad, Ex. T/No. 24063 as furnished below for necessary signature of SSE/24 as well as countersigned of concerned AWM/WM.

Name of Legal heir of Late Brighu Nath Prasad, Ex. T/No. 24063	Relationship	Date of Birth	Age (As on 09/04/2018)
1. Chinta Devi, Legally married 1 st wife of Late Brighu Nath Prasad	Wife	20.07.1960	
2. Anil Kumar Prasad, S/O 1 st wedlock of Late Brighu Nath Prasad	Son	04.05.1979	
3. Sangita Kumari, Married daughter of 2 nd wedlock of Late Brighu Nath Prasad	M/D	-	36 Years 09 months 02 days
4. Renu Kumari, Married daughter of 2 nd wedlock of Late Brighu Nath Prasad	M/D	-	34 Years 07 months 06 days
5. Rinku Kumari, Married daughter of 2 nd wedlock of Late Brighu Nath Prasad	M/D	-	31 years 05 months 07 days
6. Pinki Kumari, Unmarried daughter of 2 nd wedlock of Late Brighu Nath Prasad	Un/M/D	08.10.1990	
7. Jyoti Kumari, Unmarried daughter of 2 nd wedlock of Late Brighu Nath Prasad	Un/M/D	25.01.1992	
8. Ankit Kumar, Son of 2 nd wedlock of Late Brighu Nath Prasad	Son	12.04.1994	

You are hereby requested to kindly advice to the concerned SSE as well as Assistant Manager/Manager to sign the same as it is time bound court order to dispose the case.

This may please be treated as Most Urgent.

DA: 1. All necessary final Settlement Forms.
2. Copy of Court Order.

(J.P. Shaw)
Workshop Personnel Officer
for Chief Works Manager
Eastern Railway/Kanchrapara



8. In view of such admitted position that the present applicant No.2 is the first wife of the deceased employee and the applicant No.1 is the son of the deceased employee from his first wife Chinta Devi, the respondent authorities are directed to process the claim of the applicants for employment assistance of applicant No.1 on compassionate ground, and pass appropriate orders within a period of three months from the date of receipt of this order.


(Bidisha Banerjee)
Judicial Member

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