

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/1253/2020
MA. 350/642/2020

Date : 17.03.2021

Present : **Hon'ble Ms. Bidisha Banerjee, Judicial Member**

1. Smt. Bani Mitra, wife of late Raja Mitra,
aged about 60 years, by profession Housewife,
2. Kumari Ankita Mitra, daughter of late Raja Mitra
aged about 18 years, by occupation Student,

Both are residing at Lalpur Goenka, Ranjan Pally,
Chakdaha, Dist. Nadia, Pin - 741222.

..... Applicants.

-Versus-

1. Union of India, service through the General Manager,
Eastern Railway, Fairlie Place, Kolkata - 700 001.
2. The Divisional Railway Manager, Eastern Railway,
Sealdah Division, Sealdah, Kolkata - 700014.
3. The Senior Divisional Personnel Officer, Eastern Railway, Sealdah Division, Sealdah, Kolkata - 700014.

..... Respondents.



For the Applicant : Mr. P.C. Das, Counsel
Mr. J. R. Das, Counsel

For the Respondents : Mr. K. N. Bhattacharyya, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

This matter is taken up Single Bench in terms of Rule 154 Appendix VIII of Central Administrative Tribunal of Rule of Practice, 1993, as no complicated question of law is involved and with the consent of both the parties.

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2. Heard ld. Counsel for both sides.
3. This application has been filed to seek the following reliefs:

"8.i) An order directing the respondent authority for offering a compassionate appointment in favour of applicant no. 2 since being fit and eligible in all purpose and to save the entire family from endless penury and distress;

ii) An order directing the respondents to assess the penury of the family at the earliest and offer suitable employment to the applicant no. 2 on compassionate ground to save the family in the interest of justice;

iii) An order directing the respondents to consider and dispose of the representation by the applicant no. 1 in favour of compassionate appointment of applicant no. 2 in a time bound manner;

iv) An order allowing the MA under Section 4(5)(a) since OA preferred by applicant no. 1 and (2) jointly for common cause of action;

v) An order directing the respondents to place all relevant papers/documents in respect of the matter before the Hon'ble Bench for proper adjudication of the issue involved therein in the interest of justice.

vi) Any other order or further order/orders and/or direction/directions as to this Hon'ble Tribunal may deem fit and proper."

4. Ld. Counsel for respondents seeks liberty to file reply in the matter. However, no fruitful purpose would be served by calling for a reply in this matter as no final order is under challenge. A representation is pending and unless the representation is decided by the competent authority, and a final order is issued no cause of action arises.



5. Ld. Counsel for respondents, however, also objects to the claim put forth in this OA by the widow seeking compassionate appointment in favour of applicant no. 2 in view of the fact that the applicant no. 2 is a daughter, adopted after the death of the deceased employee.

6. Since the applicant has preferred a representation on 10.07.2020 seeking the same benefits as in the OA to the Respondent Authorities which is yet to be disposed of, I would dispose of the OA with a direction upon the competent authority to consider the representation, decide the claim of the applicant and issue a reasoned and speaking order in accordance with law within a period of 3 months from the date of receipt of copy of this order. In the event the

applicant is found entitled to the relief as prayed for, an appropriate order in accordance with law be issued within the said period.

7. It is made clear that I have not entered into the merit of this matter and, therefore, all points are kept open for consideration

8. The OA accordingly stands disposed of. No costs.

Consequently, MA also stands disposed of.



(Bidisha Banerjee)
Member (J)

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