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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH

Original Application No. 159 of 1994
Cuttack this the 21st day of April, 1997

Nalini Bawa

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Applicant(s)

-VERSUS-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?

Somnath Som,
(SOMNATH SOM)
VICE-CHAIRMAN
01/4/97

CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH

Original Application No. 159 of 1994
Cuttack this the 21st day of April, 1997

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

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By the Advocate:

Mr. P.C. Mohapatra

-VERSUS-

1. Union of India represented through its General Manager, South Eastern Railway 11, Garden Reach Road Calcutta-700043
2. Chief Personnel Officer, S.E.Railway, Garden Reach Calcutta-70043
3. Divisional Personnal Officer South Eastern Railway, Khurda Road At/PO/P.S.Jatni, Dist:Khurda

By the Advocate:

Respondents
M/s.B. Pal
O.N.Ghosh

ORDER

MR. SOMNATH SOM. VICE-CHAIRMAN:

Learned counsel for the petitioner is absent when called. Heard learned senior counsel Shri B. Pal, appearing for the Respondents. In this 1994 matter, in order dated 8.4.1997 it was clearly indicated that in the absence of learned counsel from either side,

the matter will be disposed of on merits on the basis of materials available on record.

2. In this Application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has asked for compassionate appointment on the death of her husband, who according to her was a railway employee at the time of his death. According to petitioner, her husband Surendra Pradhan was working as Khalasi under the Respondent since 1965 and he expired on 10.3.1978. From Annexure-5 it appears that the applicant made a representation to Respondent No.1 on 23.5.1995. It further appears from Annexure-4 that in this order dated 28.9.1991, an earlier application dated 31.3.1981 of the petitioner for compassionate appointment was rejected on the ground that at the time of the death of her husband he was not employed under the Railways. The Respondents in their counter have submitted that Surendra Pradhan was working under the Railways from 1970 to 1974 under the Bridge Inspector (Reg.)/S.E.Railway, Mahanadi Bridge and his services were retrenched in 1974. Thus when the husband of the petitioner died in 1978, he was not a railway employee. Therefore, the petitioner's prayer for compassionate appointment is not maintainable. I, therefore, hold that

*Jammal Jom
21/4/97*

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this application is without any merit and it deserves to be dismissed. The application is accordingly dismissed. No costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
21/4/97

B.K.Sahoo/C.M.