

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 65 of 1994

Date of Decision: 11.1.1995

Versus

Union of India & Others Respondent(s)

(FOR INSTRUCTIONS)

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

(H. RAJENDRA RASAD)
MEMBER (ADMINISTRATIVE)

11 JAN 95

CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 65 of 1994

Cuttack this the 11th day of January, 1995

C O R A M:

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

Subodha Kumar Dash
S/o. Sri Fakir Chandra Dash
At: Panchapada, PO: Panchapada
(Mathasahi): Vila: Chandbali
Dist: Balasore

... applicant/s

By the Advocate: M/s. R. P. Kar,
A. N. Ray,
N. Paikray

Versus

1. Union of India
represented by its Secretary
Central Water Commission, New Delhi
2. Chairman
Central Water Commission
Seva Bhavan, R.K. Puram, New Delhi
3. The Director (Admn)
Central Water Commission
New Delhi
4. The Superintending Engineer
Central Water Commission
Western Rivers Circle
4-A, North Bazar Road,
Dharampeth Extension
Nagpur-440010
5. The Superintending Engineer
(Eastern River Circle)
Central Water Commission
Plot No. 25-R., Sahid Nagar
Bhubaneswar-7, Dist: Khurda

By the Advocate: Mr. Akhaya Ku. Mishra,
Addl. Standing Counsel (Central) Respondent/s.

O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMN): Heard Shri R. P. Kar, learned
counsel for the applicant, and Shri Akhaya Mishra,
learned Additional Standing Counsel (Central), for
the respondents.

The three issues involved in this case are :

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Jurisdiction:

The deceased Government servant, Shri A.K.Das, was employed in Mandelaswar Sub-Division of the Central Water Commission in Madhya Pradesh. His death occurred while he was serving in that post. The present applicant has filed this case before this Bench, on the sole ground that he is the permanent resident of Bhadrak district in Orissa. It was emphatically submitted on behalf of the applicant that he shall be unable to agitate this application before the Jabalpur Bench of the Tribunal due to the expense involved in travelling to that place. There are instances where similar applications have been admitted in the past on the same grounds. Moreover, this case having been already admitted, more than six months ago, and the respondents having chosen to file a proper counter-affidavit, it is not proposed to dismiss this case purely on the grounds of jurisdiction.

Limitation:

The death of Shri A.K.Das occurred in 1987 and the request of the applicant was rejected in January, 1988. The first representation was submitted only after three years. The long silence of three years has not been adequately explained. Nevertheless, it was also pointed out by the learned counsel that the applicant has been constantly representing his case against the decision contained in Annexure-6, his last representation being 18.3.1993. To that extent the present application cannot be said to be barred by limitation as it was filed within a year of his last representation which

S.M.

incidentally did not elicit any reply.

3. Facts/Indigence:

At present, the relevance in this case is that of indigence or absence of indigence, in the family. The enquiries made by the respondents reveal that two brothers of the applicant are duly employed and the father himself has an unsteady and intermittent source of income. As against this, it has been repeatedly stressed on behalf of the applicant that none of the two employed brothers are in a position to look after the family and the income of the father is occasional and meagre. It is seen that the enquiry was made nearly six years ago, and during the intervening years, it was submitted by Shri Kar, forcefully, the condition of the applicant and his parents has grown worse due to total absence of any steady income. The family is said to be in great distress.

4. In view of what has been stated on behalf of the applicant, it would be preferable if the applicant makes a fresh representation to the concerned authorities who may like to review their decision in the light of such fresh facts as may come to the light if an enquiry into the indigence of the family is made now. The respondents may, therefore, take a suitable action to extend as much consideration and sympathy as possible in consonance with facts and rules.

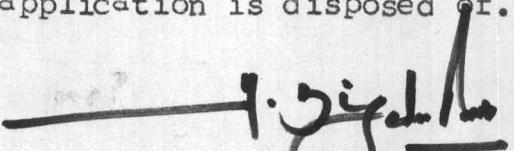
5. It may be noted that the applicant, being the

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younger brother, and therefore a near relative of the deceased employee, is eligible for consideration under the relevant rules. There cannot be any divergence of views on this. What is needed now is a suitable and sympathetic reconsideration of the case on the basis of the latest data.

Thus the application is disposed of.

No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

11 JAN 95

B.K.Sahoo//