

ORDER DATED 27-08-2003.

This original Application has been filed by one Lalita Kumar Mohanty assailing the inaction on the part of the Respondents to offer him appointment under rehabilitation assistance scheme.

I have heard Mr. P.K. Rath-2, learned counsel for the Applicant and Mr. R.C. Rath, Learned Standing Counsel appearing for the Respondents and perused the records.

This matter was disposed of by this Tribunal vide his order dated 26.2.2001 holding that the Applicant was not entitled to compassionate appointment after a passage of more than twenty years. The order was, however, passed ex parte as none appeared for the Applicant. However, learned Standing Counsel for the Respondents was present. This matter was agitated before the Division Bench of this Tribunal on 17.7.2001 by Mr. P.K. Rath-2, when Mr. R.C. Rath, Addl. Learned Standing Counsel was also present. The Division Bench of this Tribunal declined to recall the matter as the same was disposed of on merit. Thereafter, the matter was carried in a writ Petition to the Hon'ble High Court of Orissa; which vide its order dated 18.2.2003, after considering the materials placed before Their Lordships remitted the matter to this Tribunal for fresh disposal.

9

The case of Mr. P.K. Rath-2, is that the Applicant is good in all respect for an appointment under compassionate scheme as framed by the Respondent-Department. He also ventilated the grievance that the Respondents had never considered the grievances of the widow when she asked for her appointment immediately on the death of her husband (Annexure-3); nor did they give any attention to her repeated representations; first one being submitted on 5.1.1994 (Annexure-5) and number of others thereafter. Mr. R.C. Rath, learned Standing Counsel appearing for the Respondents contested the statement of the Applicant by pointing out that the Application is without any merit. He drew my attention to the letter submitted by the widow of the deceased railway servant dated 27.8.1975 addressed to the General Manager, South Eastern Railway wherein she had disclosed that she was an "unfortunate widow with no children". He further states that in the face of this submission made by the widow, on the very next day of the death of her husband/requires to be considered seriously before deciding on the genuineness of the application made by her.

I have considered the matter very carefully and I see lot of force in the argument of Mr. R.C. Rath, learned Standing Counsel appearing for the Respondents that it requires thorough scrutiny to find out the relationship between the widow of the deceased railway servant and the applicant; as also to find out the circumstances in which the widow had made such submission that she had done in her letter dt. 27.8.1975 that she was a widow without any issue. However, it is only the Respondent-

15
O.A.No. 380 of 1999

Department which can go into the matter and find out the truth. Accordingly, I dispose of this original Application by directing the Respondents to enquire into the matter as to whether Smt. Basanta Kumari Mehanty, the widow of late Bishnu Charan Mehanty, Ex-Clerk of the office of the Chier Medical Officer, South Eastern Rai way, Calcutta had given birth to a child named as Lalita Kumar Mehanty, born out of her wedlock with the deceased Govt. servant. After such enquiry, if it is established that Lalita Kumar Mehanty deceased Govt. servant is the son, then the Respondents should take further action in the matter, as per the rules to meet the grievances of the Applicant.

With the above observations and directions, this O.A. is disposed of, No costs.


(B.N. SOM) 27/8
VICE-CHAIRMAN