



FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Application No. 631 of 2003

Applicant(s) Sumati Sethi Respondent(s) U.O.I

Advocate for Applicant(s) M/S. Amitav Das Advocate for Respondent(s)

S. K. Mandal
S.S. Jena
S.B. Mohanty

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

3PO for Rs 50/- f/w.

for Negn pl.

Dh
10/6/03

DR

Defects removed.
For Registration pl.

HD
26.9.03

S.O. (J)
Dh
29/9/03
Dh

REGISTER

29/9/03
Regd.

1. ORDER DATED 30.09.2003.

Applicant claiming to be the daughter of a Gangman (Late Banchhanishi Sethi, who died prematurely while working under the Permanent Way Inspector of Balasore Railway Station (Orissa) has filed this original Application under section 19 of the Administrative Tribunals Act, 1985 by way of seeking direction to the Respondents to provide her an appointment on compassionate

Registration

AM
Date 29.09.03

NOTES OF THE REGISTRY

For Admission.

AB
29.9.03

Beged.

On. dt. 30.9.03

Copies of order/

Copies of order/ to all respects and copies of said order prepared for counsels for both sides.

PA
MP

~~BB~~
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ORDERS OF THE TRIBUNAL

grounds.

It appears that before filing this case the Applicant had submitted a representation under Annexure-1 dated 17.8.2000, which is stated to be still pending.

Having heard Mr. S. S. Jena, Learned Counsel appearing for the Applicant and perusing records, we are of the view that the Applicant (who claims that she was extremely minor at the time of premature death of her father/of the deceased Rly. employee) had made no sincere efforts to redress her grievance, before filing this case. Law is well settled that mere existence of right is not enough to rush to the Court of law for enforcement. Rather, best efforts should be made for redressal of the grievances before the Departmental Authorities.

In the above said premises, without entering into the facts of this case and without expressing any opinion on the merits of this case, we dispose of this case at the admission stage, by granting liberty to the Applicant to pursue her grievances before the Railway Authorities by filing an exhaustive representation (which she should file by the end of October, 2003) and we hereby direct the Railway Authorities that, in case such a representation is filed by the Applicant, the same shall be disposed of expeditiously within a period of 120 days from the date of receipt of the said

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representation and, if needed, by obtaining necessary approval from the General Manager concerned.

Send copies of this order, alongwith copies of the C.A., to the Respondents and free copies of this order be given to learned counsel for the Applicant and Mr. R. C. Rath, Learned Standing Counsel for the Railways; (on whom a copy of this original Application has been served).

VICE CHAIRMAN

Y. Chand
30/09/2003
MEMBER(JUDL.)