

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dt. 27.7.2005

Learned Counsel for the applicant is present. Respondents are absent and no steps have been taken to file counter. However, call on 1.9.2005 for filing of counter.

SDM
27/7/05
REGISTRAR

for counter.

1/1/05

Regd

Order dt. 01/09/05

Parties are absent on call. The matter is adjd. to 06/10/05 for appearance and counter.

SDM
1/9/05
REGISTRAR

In this O.T. counter has not been filed as my counsel has appeared for Respondents although Mr. O.N. Ghosh had tender taken to appear for Railways by filing a memo on 23/6/05. The matter was listed before the Registrar on 1.9.05 and same till 6/10/05 has been granted for filing counter and appearance.

Order dated 9.9.05

Mr. A.R. Das, Ld. Counsel appearing for the Applicant is present.

He has produced a copy of the letter dtd. 27.5.05 at Annexure-A/12 to the M.A.559/05 wherein the Divisional Personnel Officer of Eastern Railway, Asansol has intimated to Smt. Sulechana Das widow of Sri. Ram Chandra Das (Applicant No.1) pertaining to grant of compassionate appointment to her son Sri Sharda Prasanna Das (Applicant No.2).

Contents of the said letter are extracted herein below:

"Sub:- Appointment on comp. ground; Sri Sharda Prasanna Das S/o. Sri Ram Chandra Das Ex. B/Smith under SE (Elect)/Andal.

....

1. The request for consideration of appointment on comp. ground in favour of your above named son was not considered by the competent authority and decision of the competent authority was communicated to you under this office letter of even number dated 10.9.2004.
2. Now, on receipt of application filed by you in OA No. 1208 of 2004 before the Hon'ble Tribunal, Cuttack Bench, full facts of the case was again put up to the competent authority for decision and after considering all the aspects of the case, General Manager has approved the appointment on compassionate ground of Sri Sharda Prasanna Das S/o Sri Ram Chandra Das Ex. B/Smith under SE (Elect)/Andal (who is missing since 26.3.1998) in Group 'C' category on compassionate ground, subject to passing the suitability test, observance of other pre-recruitment formalities and also withdrawing the above court case.
3. In view of the competent authority's aforesaid decision your above named son may be called for suitability test for consideration of appointment in Group 'C' category after withdrawing the above mentioned court case.
4. Hence you may file a withdrawal application to the subject court (CAT/Cuttack) and submit a duly acknowledged copy of

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contd. from pre-pose
 Now the counsel for the applicant has filed a M.A. Application along with a Memo for listing the matter before the Bench. It appears from the M.A. that the prayer in O.A. as well as in the present M.A. are same. The present M.A. are

This is a single Bench matter.

Submitted for orders as to whether the M.A. will be listed before the Bench for orders.

J
8/9/05

Register

Please list the M.A. 559/05 before the single Bench on 9-9-05 for appropriate orders.

Done
9/9/05

SOJ

MA-559/2005 for appropriate direction
Copy of order served.

for orders.

B
Benson

8/9/05

Copies of order Dt 9.9.05
served to counsel for both sides.

h
13/9/05

the same to this office for taking further action as per para-3 of this letter."

Since the authorities, however, reconsider the matter and have decided to provide a compassionate employment to the Applicant No. 2, there remains nothing more to be adjudicated in this case. Accordingly this case stands disposed of.

Send copies of this order to the Applicants and to the Respondents in the address given in the O.A.

Free copies of this order be also handed over to Mr. A. R. Das, Ld. Counsel appearing for the Applicant and to Mr. R. C. Rath, Ld. Standing Counsel for the Railways.

Jahel
09/09/05
Member (J)