

ORDER DATED 12.2.2009

Applicant, Kanhu Chapiar Murmu, son of a deceased Railway employee, has approached this Tribunal in the present Original Application to direct the Respondents to provide an employment on compassionate grounds.

The Respondent-Railways, in pursuance of the notice issued by this Tribunal, have filed a counter-reply.

Heard Shri P.K.Chand, learned counsel for the applicant and Shri G.Singh, learned counsel appearing on behalf of the Respondent-Railways and perused the materials on record.

It is the case of the applicant that though he has fulfilled all the requirements and has submitted the relevant documents to the Respondents, he has been denied appointment on compassionate ground. Per contra, the Respondents have taken the stand that the legal heir certificate submitted by the applicant is not a genuine one and therefore, they are of the opinion that there has been attempt of perpetrating fraud on the part of the applicant to secure appointment on the basis of such forged document. The learned counsel for the Respondents drew my attention to Annexure-R/1 which is a letter dated 25.1.2008 from Tahasildar, Rasgovindpur to Assistant Personnel Officer-I(Law) intimating and confirming

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that legal heir certificate had been issued to Smt.Jaba Murmu, W/o. late T.C.Murmu, Vill-Haldipal, under P.S. Morada vide Misc.Case No.878/2002 on 26.6.2002 mentioning Smt.Jaba Murmu, aged about 60 years, the widow as the only family member and submitted that in view of the above, the applicant has not been shown as the legal heir or the family member, as the case may be, in Annexure-R/2. The counsel for the applicant vehemently opposed the stand taken by the Respondents and submitted that the legal heir certificate which is annexed as Annexure-A/3 to the O.A. is a genuine one, having been issued by the same Tahasildar, Rasagovindpur on 26.6.2002.

Since there is a dispute in the matter relating to applicant's legal heirship of the deceased employee, it can be best sorted out by approaching the appropriate forum to obtain a succession certificate to establish the claim of the applicant.

With the above observation, the O.A. is disposed of No costs.


(C.R. MOHAPATRA)
ADMINISTRATIVE MEMBER