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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

ORIGINAL APPLICATION 124/2011
Cuttack, this the 24th day of July, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)

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Khageswar Champati aged about 38 years S/o Late Shri Dibakar Champati permanent resident of Village Garh Motari, PO Motari, P.S. Delang, District Puri.

.....Applicant

(Advocate : Mr. R.K.Samantsinghar)

VERSUS

1. Union of India represented through the General Manager, East Coast Railway, Railway Vihar, At/PO/PS Chandrasekharpur, Bhubaneswar, District Khurda.
2. The Divisional Railway Manager, East Coast Railway, Khurda Road Division, At/PO/PS Jatni, District Khurda.
3. The Senior Divisional Personnel Officer, East Coast Railway, Khurda Road Division, At/PO/PS Jatni, District Khurda.

.....Respondents

(Advocate : Mr. D.K.Behera)

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O R D E R

A.K.PATNAIK, MEMBER (JUDL.):

The applicant alleging the inaction of the Respondents in giving consideration to his prayer for appointment on compassionate ground, after the death of his father Dibakar Champati, had earlier approached this Tribunal in OA No. 313 of 2001 which was disposed of on 08.01.2003 with direction to the Respondents as under:

"In the said premises, the Respondent No. 1, i.e. General Manager, South Eastern Railway, Garden Reach, Kolkata, West Bengal is directed to consider the case of the applicant by taking into consideration the circular dated 21.11.1994 and the uncontroverted facts raised in the Original Application and other documents, at an earliest, preferably within a period of 3 (three) months from the date of receipt of a copy of this order, for providing employment/appointment to the applicant, on compassionate ground.

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2. Since no communication was received, the applicant has filed this OA stating therein that he came to know that in compliance of the aforesaid order of this Tribunal, Respondent No.2 has sent the entire case records to the CPO, Bhubaneswar for approval in letter dated 19.09.2006 and since then, despite repeated representations, neither any appointment on compassionate ground has been provided to him nor has he been given any intimation about the consideration of his case. The prayer of the applicant in this O.A. is to direct the Respondents to provide appointment in any Group 'D' category under rehabilitation assistance scheme as per the order of this Tribunal quoted above.

3. Respondents have filed their counter in which it has been categorically stated that the father of the applicant was a Casual Labour from 1961 to 1971 in broken spell and last worked as Monsoon Patrol Man (C.P.C) from 24.06.1988 to 20.10.1988. There is no record to establish that he was re engaged and expired while continuing in service. It has been stated that the mother of the applicant was also asked to furnish if any record is available with her regarding the service of her deceased husband in the Railway and in reply thereto, the mother of the applicant submitted an application dated 30.06.2004 requesting grant of 6 to 7 months time to ascertain the place of appointment of her husband. Thereafter, she has submitted another application dated 25.03.2005 stating therein that she came to know from other sources that her husband was working under Sr. DPO along with the same application she has also furnished a statement showing the days of working of her husband on casual basis since 1961. In view of the above, the Respondents have contested the case of the applicant. They have also



denied the allegation that the Respondents did not take any action in compliance of the earlier order of this Tribunal. By enclosing copy of the letter dated 09.05.2007 it has been stated that in compliance of the earlier order of this Tribunal, they have considered the case of the applicant but did not find any merit on the said prayer and as such the same was rejected and intimated to him. Accordingly, Respondents have prayed for dismissal of this O.A.

4. By filing rejoinder, the applicant controverted the applications dated 30.06.2004 & 25.03.2005, purported to have been submitted by her mother and by filing M.A. No.632 of 2012, he has prayed for sending those applications to the proper legal authority /finger print experts for ascertainment of its genuineness. Besides the above, he has reiterated the stand taken in the O.A. and has prayed for the relief claim.

5. Accordingly, the letters dated 30.06.2004 and 25.03.2005 along with the signature and thumb impression of the mother of the applicant were sent to the GEQD who, upon examination vide letter dated 31.07.2013 informed that that the thumb impression put in the aforesaid application are genuine.

6. Heard Mr.R.K.Samantasinghar, learned counsel appearing for the applicant and Mr. D.K.Behera, learned panel Counsel for Railway-Respondents and perused the records including the letter of the GEQD dated 31.07.2013.

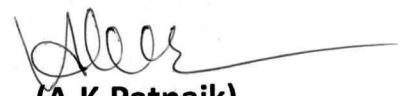
7. In view of the above, the applicant miserably failed to substantiate that his father was an employee of the Railway and died while in service. As the



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father of the applicant was not an employee of the Railway, the claim of the applicant was rightly rejected by the Respondents in letter dated 09.05.2007 but the applicant has also not challenged the said order of rejection though the same was very much within his knowledge if not earlier at least after receipt of copy of the counter filed by the Respondents in this OA. For the discussions made above, I find no merit in this O.A. which is accordingly dismissed. No costs.



(A.K.Patnaik)
Member (Judicial)