

Smt.B.Vanajakshi & Anr. Applicant
Versus
UOI & Ors. Respondents

1. Order dated 19th August, 2009.

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)

Heard Learned Counsel for both sides. MA

No.433 of 2009 filed by the Applicants seeking permission to prosecute this OA jointly stands allowed and is accordingly disposed of.

Member(Admn.)

2. Order dated 19th August, 2009.

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)

The fact of the matter is that Applicant No.1

is the widow of the deceased Railway Servant. After the death of the Railway employee, she was engaged as a substitute. Thereafter she was offered appointment twice in Gr. D post but because of some personal reasons she did not accept the offer and instead requested the Railway Authority for offering the appointment to her son on compassionate ground. As it reveals from Annexure-A/1 such a provision exists in the Railway as per the letter No.ECoR/Pers/Comp

Apptt/KUR/68 dated 17.8.04 but this is possible only with the approval of the concerned DRM. In spite of the above, learned Counsel for the Applicant submits that till date the Applicant has not received any intimation on the said request of Applicant No.1. He has, however, been able to obtain certain information under RTI Act, 2005 which shows that at clerical level such a request has been turned down but no official communication has been received by the Applicant. Applicant No.1 has already made a few representations as at Annexure-A/4 & A/5 and no response has yet been received from the concerned authority. In this background, having heard Mr. A.Das, Learned Counsel for the Applicants and Mr. S.K.Ojha, Learned Standing Counsel for the Respondents, it is considered that there is no justification to keep this matter pending and ends of justice would be met if this OA is disposed of at this admission stage with the following direction:

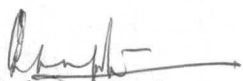
The Divisional Railway Manager, ECoRly, Khurda, Respondent No.3, shall consider the pending representations at Annexure-A/4 & A/5 in conjunction with their letter at Annexure-A/1 & A/6 where under it is clearly provided that offer of



5 3 -

appointment to the wards of the deceased employee is within the ambit of existing instruction of the Railway in the event the wife of the deceased declines such an offer. He shall pass a reasoned order within a period of SIX WEEKS from the date of receipt of this order.

2. Ordered accordingly.
3. Send copies of this order with copies of the OA to the Respondents.


(C.R. Mohapatra)
Member (Admn.)