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O.A.No. 468 of 2009  
Puspanjali Naik .... Applicant  
Versus  
Union of India & Others .... Respondents  
.....

Order dated: 05th April, 2010.

C O R A M  
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)  
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Admittedly, the father of the Applicant [Dhurba Naik] while working as Trimmer Gr.II, T No.7201 under CRW/MCS under erstwhile S.E.Railway – now E.C.Railway/MCS died prematurely on 07.02.1996. Therefore, appointment on compassionate ground was sought in favour of the Applicant who is the daughter of the deceased employee. Alleging non-consideration of her grievance, she has approached this Tribunal in the present OA filed u/s.19 of the A.T. Act, 1985 seeking direction to the Respondents to provide her employment on compassionate ground. A counter affidavit has been filed by the Respondents stating therein that on receipt of application for grant of family pension/pensionary dues as also to provide appointment on compassionate ground, the matter was processed. At that stage it was found that there has been two legal heir certificates produced by the widow containing different names of legal heirs of the deceased railway employee as also the age of the widow. As such request was made to the widow to state the correct position in the matter. Accordingly, it has been stated by the Respondents that as there has been attempt to defraud the Railway by filing two legal heir certificates containing different names as also age of the widow, the Applicant is not entitled to appointment on compassionate ground.

2. Heard Learned Counsel for both sides and perused the materials placed on record. It has been contended by Learned Counsel for the Applicant that through an affidavit on the matter, the widow has already clarified the reason for the discrepancy which crept in the legal heir

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certificates furnished earlier as also stating which legal heir certificate is correct one. However, it is not forthcoming whether on the basis of the affidavit the Railway Administration has taken any step to release the pension and pensionary dues of the widow. Fact of the matter is that following the discrepancies as stated in their counter, the case of the Applicant has not received any consideration till date.

3. As it is the positive case of the Applicant that by filing affidavit and necessary documents the discrepancies which crept in the earlier documents have been removed, the Respondents are hereby directed to consider the claim of applicant for appointment on compassionate ground as per extant policy of the Railways within a period of 45 days hence and the result of such consideration should be communicated to the applicant in a reasoned order within a period of 15 days thereafter. With the aforesaid observation and direction, this OA stands allowed but in the circumstances there shall be no order as to costs.

  
(C.R. MOHAPATRA)  
MEMBER (ADMN.)