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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A. No. 260/00959 of 2016

Cuttack this the 17th Day of January, 2017

CORAM
HON'BLE SHRI R.C. MISRA, MEMBER(A)

.....
1. Bengalata Mallick, aged about 63 years, W/o. Late Kalandi,
2. Kailash Chandra Mallick, aged about 39 years, Both are widow and son of
Late Kalandi, Ex-Watchman/Engineering (Con.)/S.E. Railway (now East
Coast Railway)/ Cuttack, resident of Vill.-Putting, P.O.-Gopalpur, P.S.
Tirtol, Dist-Jagatsinghyhpur, Odisha.

..... Applicants.

By the Advocate(s)-M/s. N.R. Routray, J. Pradhan, S.K. Mohanty, T.K. Choudhury

-VERSUS-

Union of India, represented through

1. General Manager, E.Co. Rly., E.Co.R. Sadan, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
2. Divisional Railway Manager/ E.Co. Rly./Khurda Road Division, At/P.O.-
Jatni, dikst. Khurda.
3. Senior Personnel Officer/Con./Co-ordination, East coast Railway, Rail
Vihar, chandrasekharpur, Bhubaneswar, dist.-Khurda.

..... Respondents

By the Advocate(s)- Mr. T. Rath.

ORDER(Oral)

R.C. MISRA, MEMBER(A):

Heard Mr. N.R. Routray, Ld. Counsel appearing for the applicant and
Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railways
on whom a copy of this O.A. has already been served and perused the materials
placed on record.

2. By filing M.A. No.845/2016 Mr. Routray has submitted that this O.A.
has been filed jointly by the Wife and the Son of Late Kalandi who was a
Watchman under the S.E. Raiway at Cuttack in which a prayer has been made
to allow the M.A. No.845/2016 for joint prosecution of this O.A. Accordingly,
M.A. No.845/2016 is allowed and thus disposed of.

[Signature]

3. The fact as submitted by the Ld. Counsel is that the deceased Govt. employee Kalandi who was a Railway employee expired on 10.07.1999 leaving behind his mother, wife, two unmarried sons and one unmarried daughter. After the death of the employee, the widow submitted all the necessary papers/documents for release of death-cum-financial benefits as well as appointment for applicant No.2 in the Railway on compassionate ground. In the meantime, Railway Authorities were informed that another lady namely Charulata Mallick is claiming to be the wife of the deceased Govt. employee also. The said Charulata Mallick along with her two daughters and one son had filed Intestate Case No.3/2004 before the Civil Judge, Junior Division, Jagatsinghpur and the Civil Court on 01.11.2008 passed its judgment in which the applicant No.1 in this O.A. was declared as the first wife of her husband and accordingly, orders were passed for release of the death-cum-financial benefits in her favour. After the pronouncement of judgment in the Intestate Case applicant No.1 had applied for appointment of applicant No.2 in Railway on compassionate ground and several applications were made to the Respondents- authorities. It is submitted that even after several representations were submitted in this regard no decision has been communicated by the Railway authorities to the applicant. It has been brought to my notice that the last representation dated 07.11.2016 which was made by the applicant No.2 to the Senior Personnel Officer/Con./Co-ordination, East coast Railway, Rail Vihar, chandrasekhpur, Bhubaneswar (Respondent No.3) is still pending at his level.



4. The case for compassionate appointment has to be considered based on the ~~successive~~ ^{extant} guidelines issued by the Railways Administration. All applications for compassionate appointment have to be considered according to those guidelines. Prima facie, it appears that no decision has yet been taken by the authorities in this regard.

5. In view of the facts and circumstances stated above, without going into the merit of the matter, I dispose of this O.A. at this admission stage by directing Respondent No.3 to consider the aforesaid representation dated 07.11.2016, if at all filed and is still pending consideration, in the light of the extant guidelines on the subject and communicate the result thereof to the applicant by way of a well-reasoned order within a period of three months from the date of receipt of a copy of this order.

6. With the aforesaid observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Mr. N.R. Routray, Ld. Counsel appearing for the applicant, copy of this order along with paper book be communicated to the Respondent No.3 by Speed Post at the cost of the applicant, for which Mr. Routray undertakes to file the postal requisites by 19.01.2017.


(R.C.MISRA)
MEMBER(A)