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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/0013 of 2016
Cuttack, this the 20th day of January, 2016

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HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Sulekha Das,
aged about 37 years,
W/o Kshirod Chandra Das,
Ex-Senior T.P./E.Co.Rly./ Paradeep,
Permanent resident of At/PO- Karilopatna,
PS- Patkura, Dist- Kendrapara, Odisha.

...Applicant

(Advocates: M/s. N.R.Routray, S.Sarkar, U.Bhatt, J.Pradhan,
T.K.Choudhury S.K.Mohanty)

VERSUS

Union of India Represented through its

1. General Manager,
East Coast Railway, E.Co.R. Sadan,
Chandrasekharapur, Bhubaneswar,
Dist-Khurda.
2. Divisional Railway Manager/
East Coast Railway/
Khurda Road Division/
Jatni, Dist- Khurda.
3. Senior Divisional Personnel Officer/
East Coast Railway/
Khurda Road Division,
At/PO- Jatni, Dist- Khurda.
4. Senior Divisional Operating Manager/
East Coast Railway/
Khurda Road Division,
At/PO- Jatni, Dist- Khurda.
5. Assistant Operations Manager (Plg.)-Cum- Disciplinary Authority/
East Coast Railway/
Khurda Road Division,
At/PO- Jatni, Dist- Khurda.

... Respondents

(Advocate: Mr. T.Rath)

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ORDER (ORAL)

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

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

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:

“i. To quash the order of punishment dtd. 20.07.2009 under Ann.-A/3;

ii. And to direct the Respondents to consider the case of the applicant for appointment in Railway on compassionate ground.

iii. And to direct the Respondents to pay/release the financial benefits of the missing Railway employee as per rules of Railway.

And pass any other order.....”

3. The case of the applicant is that her husband, who was working as Senior TP in the Railways and was posted at Pradeep, is missing since January, 2006. However, the applicant lodged an FIR on 11.12.2012 regarding missing of her husband. A major penalty chargesheet was issued by the department on 03.08.2006 and on the basis of ex parte inquiry, order of punishment of removal from service was passed by Respondent No.5 on 20.07.2009. On 03.11.2014 the applicant submitted a mercy appeal (Annexure-A/4) to Respondent No.2 for annulment of punishment order passed against her husband and prayed for grant of settlement benefits along with compassionate appointment. Mr. Routray, Ld. Counsel for the applicant, submitted that ventilating her grievance the applicant preferred another mercy appeal on 06.08.2015 vide Annexure-A/9


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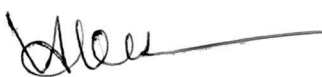
to Respondent No. 4 but till date no response has been received by the applicant. Accordingly, he has moved this Tribunal with the aforesaid prayers.

4. Since the mercy appeal dated 06.08.2015 (Annexure-A/9) of the applicant is stated to be pending with Respondent No.4, without going into the merit of this case and without prejudice to the right of the parties, we dispose of this O.A. at this admission stage with direction to the Respondent No. 4 to consider the mercy appeal, if at all pending with him, and communicate the result thereof to the applicant in a well reasoned order within a period of two months from the date of receipt of a copy of this order. However, the points raised by the applicant in her mercy appeal are kept open for the Respondent No.4 to consider the same keeping in mind the Railway Rules and Regulations in force. If in the meantime the said appeal has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Routray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 2, 3 and 4 by Speed Post for which he undertakes to file the postal requisites by 27.01.2016.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)