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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00427 OF 2016
Cuttack, this the 1st day of July, 2016

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

.....

Ritanjali Barma, aged about 40 years, W/o Late Biplab Kumar Paul, permanent resident of Vill. Joadabandh, PS. Chandiposh, Dist. Sundargarh, at present residing at Chudibasti, PS. Bondamunda, Dist. Sundargarh.

.....Applicant

By the Advocate(s)-M/s. B.S. Tripathy, M.K. Rath, J. Pati

-Versus-

Union of India, represented through

1. General Manager, South Easter Railway, Garden Reach, Kolkata-43.
2. The Divisional Railway Manager(Engg.), South Eastern Railway, Chakradharpur Railway Station, At/ PO. Chakradharpur, Dist. Singhbhum(Jharkhand).
3. The Divisional Railway Manager(P), South Eastern Railway, Chakradharpur Railway Station, At/PO. Chakradharpur, Dist. Singhbhum(Jharkhand).
4. The Asst. Engineer, South Eastern Railway, Bondamunda, At/PO. Rourkela, Dist.Sundergarh.

.....Respondents

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

ORDER (ORAL)

R.C.MISRA, MEMBER (A):

Heard Mr.B.S.Tripathy, learned counsel for the applicant and Mr.T.Rath, learned Standing Counsel for the Respondents on the question of admission and perused the records.



2. In this O.A., applicant has approached this Tribunal for direction to Respondents-Railways to consider and provide her an employment on compassionate grounds.

3. Facts of the matter are that applicant's husband along with others had participated in a recruitment test held in the year 1996 for engagement of casual labour. Because of some irregularities, no appointment was made and therefore, this gave rise to filing litigation before this Tribunal in O.A. No.778 of 1996 by the applicant's husband and three others. This Tribunal having dismissed the said O.A., the matter was carried to the Hon'ble High Court of Orissa in OJC No.14168 of 2001. The Hon'ble High Court vide judgment and order dated 22.9.2005 set aside the orders of the Tribunal in O.A.No.778 of 1996 and directed the applicant's husband and others to approach respondent no.3 by making representation for redressal of their grievances. Representation preferred pursuant to aforesaid direction of the Hon'ble High Court having been rejected by the railway authorities, applicant's husband along with others approached the Hon'ble High Court in WPC No.19619 of 2009. The Hon'ble High Court vide order dated 22.1.2013 disposed of the said Writ Petition in the following terms.

"We, therefore, dispose of the writ petition directing the opposite party no.3 to consider the petitioners for engagement in the four vacancies, which have occurred, as this Court finds that the employment being of casual labourer, the viva voce test has absolutely no importance in the interview. However, the petitioners after being considered may be engaged in the post provided the other persons engaged or any of them are continuing in such posts. The opposite party no.3 shall act on production of certificated copy of this order and take a decision with



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regard to engagement of the petitioners within a period of four weeks from the date of production of certified copy of this order”.

4. Against the above direction, the railway authorities moved the Hon'ble Supreme Court in SLP (C) No.27108 of 2013. The Hon'ble Supreme Court vide order dated 10.7.2015 dismissed the said SLP and made it clear that the respondents shall be engaged as casual labourers within four weeks from today.

5. It is the case of the applicant that during pendency of the aforesaid SLP before the Hon'ble Supreme Court, her husband, Biplab Kumar Paul passed away on 5.9.2013 and in the circumstances, applicant being the legal heir was substituted in the SLP.

6. Grievance of the applicant is that although in compliance with the direction of the Hon'ble High Court of Orissa in WPC 19619 of 2009 as upheld by the Hon'ble Supreme Court, Sr. Divisional Personnel Officer(res.no.3) issued appointment orders in favour of three other petitioners, she being the legal representative of her husband and having been substituted in the SLP before the Hon'ble Supreme Court, is a stake holder of appointment in place of her husband at par with other petitioners in pursuance of the direction of the Hon'ble High Court in WPC No.19619 of 2009. This is the background why applicant has approached this Tribunal in the instant O.A.

7. During the course of hearing on admission, Mr.Tripathy submitted that ventilating her grievance applicant has preferred a representation dated 23.11.2015(A/6) to the Senior Divisional Personnel Officer(P),S.E.Railway, Chakradhapur, who is respondent no.3 in this O.A. and the grievance of the



applicant will be met if a direction is issued to consider and dispose of the aforesaid representation by res.no.3.

8. On the other hand, Mr.T.Rath submitted that since applicant's husband late Biplab Kumar Paul during his life time had never been appointed in the railways in any capacity, the question of providing appointment on compassionate ground does not arise.

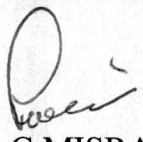
9. I have considered the rival submissions and at this stage, I am not inclined to go into the merit of the matter particularly when applicant's grievance is yet to be considered by the railway administration. Therefore, without expressing any opinion on the merit of the matter, I would direct respondent no.3 to consider and dispose of the pending representation of the applicant as aforesaid in accordance with extant rules and instructions and communicate a decision to the applicant within a period of three months from the date of receipt of this order.

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

11. On the prayer made by the learned counsel, copy of this order along with paper book be sent to res.no.3 by Speed Post at the cost of the applicant for which Mr.B.S.Tripathy undertakes to file the postal requisites by 4.7.2016.

12. Free copy of this order be made over to learned counsel for both the sides.

BKS


(R.C.MISRA)
MEMBER(A)