

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No.655 of 2013

Cuttack the 20th day of September, 2013

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

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

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1. Adapa Kumari aged about 39 years,

2. Kumari Adapa Srujana, aged about 21 years,

Both the applicants are wife and daughter of A.Srinivas Rao, TR (Claims)/Commercial/East Coast Railway, Taicher at present C/o.T.Kondala Rao, Quarter No.B/3 'C', Railway Colony, Kasibugga, Srikakulam District, PIN-532222, Andhra Pradesh.

...Applicant

(Advocates: M/s. N.R.Routray, T.K.Choudhury)

VERSUS

Union of India Represented through –

1. The General Manager, East Coast Railway, E.Co.R. Sadan, Chandrasekharapur, Bhubaneswar, Dist. Khurda.

2. Divisional Railway Manager, East Coast Railway, Khurda Road Division, At/Po.Jatni, Dist. Khurda.

3. Senior Divisional Personnel Officer East Coast Railway, Khurda Road Division, At/Po.Jatni, Dist. Khurda.

4. Senior Divisional Commercial Manager/E.Co.Rly, Khurda Road Division, At/Po.Jatni, Dist. Khurda.

..... Respondents

(Advocate: Mr.T.Rath)



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O R D E R

(Ura)

A.K. PATNAIK, MEMBER (JUDL.)

MA No. 672 of 2013

Having heard Mr.N.R.Routray, Learned Counsel appearing for the Applicant's and Mr.T.Rath, Learned Standing Counsel for the Railway-Respondents the prayer made in this MA to prosecute OA No. 65 of 2013 jointly stands allowed. MA No. 672 of 2013 is accordingly disposed of.

OA No.65 of 2013

2. Applicant No.1 is the wife and Applicant No.2 is the daughter of one A.Srinivas Rao who was a TR (Claims)/Commercial/East Coast Railway,/Talcher and went to attend his duty on 28.11.2010 but thereafter he did not come to his house. Hence an FIR was lodged by the Applicant No.1 on 8.4.2011 in the Hindol Road Out Post followed by paper publication dated 8.6.2011 regarding missing of A.Srinivas Rao. Thereafter, on 11.9.2012 Applicant No.1 submitted application before the Respondent No.3 for release of family pension in her favour. By submitting application dated 18.6.2013 and 24.6.2013, Applicant No.1 requested the Respondent No.4 & 2 not to take any coercive action against her husband (A.Srinivas Rao) as his whereabouts is not known since 28.11.2010. Again by submitting



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application dated 23.7.2013, Applicant No.1 requested the Respondent No.1 for early release of financial benefits and to provide appointment on compassionate ground to her daughter (Applicant No.2) as per the provision made by the Railway Board on 21.12.1983. But, it is the positive case of the Applicants that till date neither any financial benefits have been released in their favour nor appointment on compassionate ground has been provided to Applicant No.2. They have also not been communicated any reply on their repeated representations. Hence by filing the instant case the Applicants while praying for direction to provide appointment in favour of Applicant No.2 they have also prayed for direction to release the financial benefits of missing Railway employee as per rules.

3. Copy of this OA has been served on Mr.T.Rath, Learned Standing Counsel for the Railway. On being asked, Mr.Rath expressed his inability to state right now about the status of the representations stated to have submitted by the applicant No.1. He has, therefore, prayed that if time is granted he can obtain the instruction and apprise this Tribunal on the next date. It appears that this OA is hit by the provision made in Rule 10 of the Central Administrative Tribunal (Procedure) Rules, 1987 yet this OA has been registered and sent to the


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Bench with any endorsement in the cause list. We hope the Registry would be careful while scrutinizing the application and placing the matter before the Bench in future.

4. Be that as it may, since one of the grievances of the applicants is non-consideration of the representation submitted by Applicant No.1 on 23.7.2013 praying financial benefits, without going to the provisions made in Rule 10 (supra) and without expressing any opinion on the merit of the matter we dispose of this OA at this admission stage with direction to the Respondent No.1 to consider the grievance of the applicant as raised in representation dated 23.7.2013 and communicate the result thereof in a well-reasoned order to the applicant No.1 within a period of 60(sixty) days from the date of receipt of copy of this order. There shall be no order as to costs.

5. As prayed for by Mr.N.R.Routray, Learned Counsel for the Applicants, copy of this order along with OA be sent to Respondent No.1 for compliance at the cost of the Applicants for which learned counsel for the Applicants undertakes to furnish the requisite postal requisite by 23.9.2013.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judl.)