

4

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

OA No.844 of 2013

Cuttack, this the 11th day of December, 2013

CORAM:

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

.....

1. B.Laxmi, aged about 57 years, Widow (First Wife) of Late B.Thavitayya, Ex-Grade-III Fitter in C & W Department of S.E.Railway, Jharsuguda and at present resident of Narahari Colony, New Railway High School, Jharsuguda-768 201, Odisha.
2. B.Dhalamma, aged about 47 years, Widow (Second Wife) of Late B.Thavitayya, Ex-Grade-III Fitter in C & W Department of S.E.Railway, Jharsuguda and at present resident of Narahari Colony, New Railway High School, Jharsuguda-768 201, Odisha.
3. B.Narayan Rao, aged about 23 years, Son of Late B.Thavitayya, Ex-Grade-III Fitter in C & W Department of S.E.Railway, Jharsuguda and at present resident of Narahari Colony, New Railway High School, Jharsuguda-768 201, Odisha.

.....Applicants

(Legal Practitioner – M/s.R.B.Mohapatra, D.K.Mohanty, Miss Sujata Sethi)

Versus

Union of India represented through –

1. The General Manager, South Eastern Railway, Garden Reach, Kolkata-43, West Bengal.
2. Chief Personnel Officer, South Eastern Railway, Garden Reach, Kolkata-43, West Bengal.
3. Senior Divisional Personnel Officer, Chakradharpur Division, S.E.Railway, At/Po. Chakradharpur, Dist. Singhbhum, Jharkhand.
4. Senior Sectional Engineer (C&W), S.E.Railway, Jharsuguda Railway Depot, At/Po/Dist. Jharsuguda.

.....Respondents

(Legal practitioner – Mr.T.Rath)



5

O R D E R

(Oral)

A.K.PATNAIK, MEMBER (JUDICIAL):

It is the case of the Applicant that B.Tavitayya, the husband of Nos.1&2 and father of Applicant No.3 was working under the Section Engineer (Carriage and wagon Depot) at Jharsuguda as Technical Grade III. While working as such Tavitayya died prematurely on 11.11.2005 leaving behind Applicant Nos.1&2 (as his first and second wife), one son (Applicant No.3) and one daughter namely B.Laxmikanta. Thereafter on 2.2.2007 the applicants obtained the legal heir certificate. On 3.6.2011 when Applicant No.3 became major, applicant No.1 submitted an application seeking employment assistance on compassionate ground in favour of applicant No.3. The request to provide employment assistance in favour of Applicant No.3 was rejected vide letter dated 24.1.2012 which was served on Applicant No.1 on 5.2.2013. Thereafter, applicant No.1 preferred an appeal dated 06.03.2013 to the General Manager, South Eastern Railway, Kolkata. But according to the Applicants they have neither received any reply on the said appeal nor any appointment has been provided in favour of Applicant No.3 though the family members are continuing in financial hardship/crisis in absence of any source of livelihood. By stating above, the Applicants have filed the instant OA with prayer to direct the Respondents to provide employment on compassionate ground to Applicant No.3.



6

2. Mr.T.Rath, Learned Standing Counsel for the Railway has no immediate instruction as to whether any such appeal dated 06.03.2013 has really been preferred by the Applicant No.1 and if so the status thereof.


3. Since according to the applicants the appeal preferred by the Applicant No.1 is still subjudice before the competent authority, I do not find any valid ground to entertain/interfere in the matter at this stage. Hence, after hearing Mr.R.B.Mohapatra, Learned Counsel for the Applicants and Mr.T.Rth, Learned Standing Counsel for the Railway-Respondents, without expressing any opinion on the merit of the matter, this OA is disposed of with direction to Respondent No.1 (i.e. General Manager, S.E.Railway, Kolkata) to consider and dispose of the appeal dated 06.03.2013, if it is preferred/received and is still pending with him and communicate the result thereof to the Applicant, in a well reasoned order within a period of sixty days from the date of receipt of copy of this order. If on consideration of the representation it is decided that the applicant No.1 is entitled to appointment on compassionate ground then steps be taken to appoint him within another period of thirty days from the date of such consideration. However, if in the meantime any decision has been taken on the said appeal but the result has not been communicated then the result of the same should be communicated to the Applicant No.1 within a period of fifteen days from the data of receipt of copy of this order. In view of the above, MA No.833 of 2013 filed by



7

Applicants seeking permission to prosecute this OA jointly is allowed and disposed of accordingly. There shall be no order as to costs.

4. As prayed for by Mr.R.B.Mohapatra, Learned Counsel for the Applicant copy of this order be sent to Respondent No.1, by Speed Post, at his cost, for compliance, for which he undertakes to furnish the postal requisite within two days hence.


(A.K.Patnaik)
Member (Judicial)