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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.852 of 2013
Cuttack this the 16th day of December, 2013

CORAM
HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

1. Gitanjali Panda,
Aged about 52 years,
S/o.Late Dharanidhar Panda,
Ex-LMA, under Station Superintendent,
E.Co.Rly, GHNH,
Permanent resident of Village/PO-Rameswar,
Via-Jankia,
Dist-Khurdda,
Odisha

2. Dhirendra Panda,
Aged about 31 years,
S/o. late Dharanidhar Panda,
Ex-LMA under Station Superintendent,
E.Co.Rly, GHNH,
Permanent resident of Village/PO-Rameswar,
Via-Jankia,
Dist-Khurdda,
Odisha

...Applicant

By the Advocate(s)-M/s.N.R.Routray

Smt.J.Pradhan
T.K.Choudhury
S.K.Mohanty

-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. The Senior Divisional Peronnel Officer
East Coast Railway
Khurda Road Division
At/PO-Jatni
Dist-Khurda

...Respondents

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

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ORDER

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)

Heard Shri N.R.Routray, learned counsel for the applicant and Shri T.Rath, learned Standing Counsel, on whom a copy of this O.A. has been served, appearing on behalf of the Respondent-Railways. M.A.No.873/13 seeking permission to jointly prosecute this O.A. is allowed and disposed of accordingly. Shri T.Rath, learned Standing Counsel for the Railways takes notice.

2. Applicant Nos.1 and 2 claiming to be the first wife and son of the deceased railway employee late Dharanidhar Panda, Ex. LMA under the Station Superintendent, E. Co.Railway, GHNH have approached this Tribunal in the instant O.A. challenging the inaction on the part of the Respondents in providing appointment under the Railways on compassionate ground.
3. Shri Rath, by drawing my attention to the Office Order dated 16.5.2012 submitted that though a legal heir certificate was earlier filed by the applicants, but subsequently, the same has been cancelled by the concerned Tahasildar and therefore, the Railway Administration is not in a

[Signature]

position to assess the claim of the applicant in the absence of legal heir certificate.

4. Shri Routray submitted that due to inaction of the Respondents for a long time, the applicant No.1 widow of the deceased railway employee had filed a representation dated 17.4.2013 to Respondent No.2, i.e., Divisional Railway Manager, East Coast Railway with a copy to the Senior Divisional Personnel Officer, Respondent No.3 followed by a reminder dated 30.11.2013. On being confronted as to how the railway authorities will decide the question of liability in view of the cancellation of the legal heir certificate by the Tahasildar, Shri Routray submitted that he will be satisfied if a direction could be issued to Res. Nos. 2 and 3 to consider the pending representation preferred by the applicant on 17.4.2013 as well as reminder dated 30.11.2013. Shri T.Rath, learned Standing Counsel has no immediate instructions if any such representations/appeal has been preferred by the applicant to Res.Nos. 2 and 3 and if so, the status thereof.

5. Therefore, without prejudice to the contentions of either sides, I direct Res.Nos. 2 and 3 that if any such representation has been preferred by the applicant on 17.4.2013 and due to non-disposal of the same a reminder has been sent on 30.11.2013, and the same are still pending, then those representations be considered as per the extant rules and regulations as well as taking into account the succession certificate dated 20.9.2011 as well as office order dated 2.3.2008 and 16.5.2012 which have been quoted in the representation dated 30.11.2013 and communicate the result




thereof to the applicant through a reasoned and speaking order within a period of sixty days from the date of receipt of this order. It is made clear that if during the course of consideration the claim of the applicants is found to be genuine one, expeditious steps be taken to grant the benefit thereon. However, if the said representation/appeal has already been disposed of already, the result thereof shall be communicated to the applicant within a period of two weeks from the date of receipt of this order.

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

7. Send copy of this order to Res.Nos. 2 and 3 by Speed Post at the cost of the applicant, for which Shri Routray undertakes to deposit the postal requisites by 18.12.2013.

BKS


(A.K.PATNAIK)
MEMBER(JUDICIAL)