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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 863 OF 2013
Cuttack, this the 16th day of December, 2013

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

.....

1. Smt. Resham Devi, aged about 47 years,
W/o. Late Kishan Dev,
2. Miss Kabita Kumari, aged about 47 years,
D/o. Late Kishan Dev,

(Both are at present residing at C/o Sri Mahesh Oram, At-Durga Pur,
Udit Nagar, Orampara, PO. Rourkela, Dist- Sundargarh)

.....Applicants

Advocate(s).... M/s. B.S. Tripathy, M.K. Rath, Mrs. M. Bhagat

VERSUS

Union of India represented through

1. General Manager, South Eastern Railway,
Garden Reach, Kolkata-43.
2. The Divisional Railway Manager,
South Eastern Railway,
Chakradharpur Railway Division,
At/PO. Chakradharpur,
Dist. West Singhbhum, (Jharkhand),
3. The Senior Divisional Personnel Officer,
South Eastern Railway,
Chakradharpur Railway Division,
At/PO. Chakradharpur,
Dist. West Singhbhum, (Jharkhand),

..... Respondents

Advocate(s)..... Mr. T. Rath

Alor

ORDER (Oral)

A.K. PATNAIK, MEMBER (JUDL.)

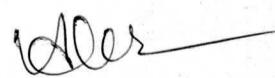
It is the case of the Applicants that Kishan Dev while working as Sr.TPM under the Station Manager, Barabambo Railway Station died in harness on 06.04.2005. After his death, based on the order dated 28.3.2009 in Succession Certificate Case No.39/2006, Railway authorities granted the identification cum heirship cum guardianship certificate and consequently death benefits of Kishan Dev in favour of Applicant No.1 as his widow. Thereafter, by making representation dated 10.08.2010 Applicant No.1 prayed for employment assistance in favour of Applicant No.2 (her daughter) on compassionate ground but the said prayer was rejected vide letter dated 30.3.2011. It is the further case of the Applicants that Late Kishan Dev was the only bread winner of their family. After his death, the family members are still facing insurmountable difficulties for sustenance of their livelihood. Therefore, by making representation in the form of appeal on 05.12.2011 to Respondent No.2 and on 09.05.2012 to Respondent No. 1, the Applicant No.1 has prayed for removal of injustice caused to the family in rejecting the prayer for employment on compassionate ground in favour of Applicant No.2. Alleging no consideration to such representations, the applicants have filed the instant OA praying to quash the order of rejection dated 30.03.2011 and to direct the Respondents to provide employment assistance in favour of Applicant No.2. So also by filing MA No. 900 of 2013 they have prayed for permission to prosecute this OA.

2. Copy of this OA has been served on Mr.T.Rath, Learned Standing Counsel of the Railway who is present in Court and takes notice for all the Respondents.

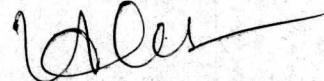
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3. Heard Mr.B.S.Tripathy, Learned Counsel for the Applicants and Mr.T.Rath, Learned Standing Counsel for the Railway-Respondent and perused the records.

4. On being asked as to why there is much delay in taking decision on the representations submitted by the applicants in the form of appeal against the order of rejection especially in a matter praying for appointment on compassionate ground, Mr.Rath has fairly submitted that he has no immediate instruction on the fate of the representations, if at all submitted by the applicants. If it is a fact that the applicants submitted representations in the form of appeal against the order of rejection but no decision has been taken therein, consideration of the matter on the merit, in the instant O.A. at this stage, is not warranted and, therefore, without expressing any opinion on the merit of the matter, this OA is disposed of with direction to the Respondent No.1 to consider/dispose of the representation dated 09.02.2012, if it is received and is still pending with him, and communicate the result thereof to the applicant No.1 within a period of 60(sixty) days from the date of receipt of copy of this order. If, on consideration of the representation, it is found to be a deserving case, then the same may be executed within a period of thirty days from the date of such order. If in the meantime any decision has already been taken on the said representation by the Respondent No.1 but result has not been communicated, the result of the same shall be communicated to the applicant within a period of fifteen days from the date of receipt of copy of this order. MA is accordingly disposed of. There shall be no order as to costs.



5. As prayed for by Mr.B.S.Tripathy, Learned Counsel for the Applicants 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)