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**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK**

O. A. No.260/00644 of 2014

Cuttack this the 27<sup>th</sup> day of August, 2014

CORAM

THE HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)  
THE HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)

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1. Sradhanjali Sasmal, aged about 22 years, D/o. Late Basudev Sasmal.
2. Basanta Kumar Sasmal, aged about 28 years, S/o. Late Basudev Sasmal, both are permanent resident of Vill/Po.Barapada, PS.Delanga, Dist. Puri.

...Applicants

(Advocates: Mr.R.K.Samantasinghar)

**VERSUS**

**Union of India represented through**

1. The General Manager, East Coast Railway, 2<sup>nd</sup> floor, South Block, Rail Sadan, Samanta Vihar, Bhubaneswar, Po/Ps.Chandrasekharapur, Dist. Khurda.
2. The Divisional Railway Manager, East Coast Railway, Khurda Road Division, At/Po./Ps.Jatni, Dist. Khurda.
3. The Sr. Divisional Personnel Officer, East Coast Railway, Khurda Road Division, At/Po./Ps.Jatni, Dist. Khurda.
4. Santosh Kumar Sasmal, aged about 39 years, S/o. Late Basudev Sasmal, resident of Vill/Po.Barapada, Ps.Delanga, Dist. Puri at present working as Khalasi (Elect. Dept.) under Chief Workshop Manager (CRW), At/Po./Ps.Mancheswar, Bhubaneswar, Dist. Khurda.

... Respondents

(Advocate: Mr.T.Rath)

**ORDER**

[Oral]

**A.K. PATNAIK, MEMBER (JUDICIAL):**

The Daughter and son of Late Basudev Samal have filed this OA jointly stating that as Respondent No.4 failed to carry out the



undertaking furnished to take care of the deceased family if he is provided employment on compassionate ground, direction be issued to Respondent No.2 to take adequate legal action against the Respondent No.4 as per the Railway Board Circular No.44/2002 as repeated representations to the above extent did not yield any result. Copy of this OA has been served on Mr.T.Rath, Learned Standing Counsel for Railway. We have heard Mr.R.K.Samantasinghar, Learned Counsel for the Applicants and Mr.T.Rath, Learned Sanding Counsel appearing for the Respondents and perused the records. The stand of the Applicants is that Late Basudev Samal (father of the Applicants) while working in the railway died prematurely on 08.12.1996. Respondent No.4 being the elder son of the deceased was appointed on 22.12.1998 on compassionate ground. Respondent No.4 got married on 15.5.2007 after which he did not take care of the rest of the family members of the deceased. Their mother died on 04.01.2008. As Respondent No.4 did not take care of the family member of the deceased as per the undertaking furnished by him thereby warranting appropriate action as per RBE No. 153 of 2000, by making representations one after the other the Applicants have prayed before the Railway Authority to take action against him but the Respondents have paid deaf year to the same. Further stand of the Applicants is that there being no way out, they have, therefore, filed the instant OA with the aforesaid reliefs. Mr. Rath, on the other hand, vehemently opposed the very maintainability of this OA on the ground that



the applicants are neither holder of any civil post nor have they prayed for direction to appoint them in any civil post. As such, with the present relief, this OA is not maintainable. The A.T. Act, 1985 has been enacted for adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any Corporation owned or controlled by the Government and for matters connected therewith or incidental thereto which is not the instant case. As such, we are not inclined to entertain this OA which is accordingly dismissed. There shall be no order as to costs.



(R.C.Misra)  
Member (Admn.)



(A.K.Patnaik)  
Member (Judicial)