

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. CPC 45 of 1997
(O.A.558 of 1996)

Present : Hon'ble Mr. Justice A.K.Chatterjee, Vice-Chairman.
Hon'ble Mr. M.S.Mukherjee, Administrative Member.

Smt. Renuka Bose w/o
Late Bijay Singh Bose,
residing in the house of
Shri Nilmani Karmakar at
Kapasharia, P.O. Bera,
P.S. Chanditala, Dist: Hooghly.

... Petitioner
Vs.

Shri K.M.Pandey, Chief
Works Manager, C&W Workshop,
Eastern Railway, Liluah,
District - Howrah.
(Respondent no.5 in O.A.558/1996).

... Respondents

For the petitioner : Mr.P.C.Das, counsel.

For the respondents: Mr.P.K.Arora, counsel.

Heard on : 3.9.1997

18.9.1997
Order on : 19.9.1997

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O R D E R

A.K.Chatterjee, V.C.

The petitioner had filed O.A.558 of 1996 seeking an appointment on compassionate ground on the death in harness of her husband, Bijay Singh Bose, who was an employee of Eastern Railway in C & W Workshop at Liluah. This O.A. was disposed of on 9.1.1997 with the direction upon the respondents, particularly the respondent no.5, to dispose of the representa-

tion filed by the petitioner on 15.3.1996 within two months from the date of communication of the order. It was further ordered that in case no appointment was given, a speaking order should be passed which should be communicated to the petitioner. She now alleges that the respondent no.5 of the G.A., who is the only respondent in the present application, has wilfully violated the aforesaid order as the representation was not disposed of even till the instant application was filed on 11.4.1997 despite the fact that it was duly communicated by the applicant by registered post which was received by the present respondent on 22.1.1997. She, therefore, prays that a contempt rule should be issued.

2. Though no reply has been filed on behalf of the respondents, their ld.counsel has stated that as a matter of fact no representation dated 15.3.1996 was received. This contention cannot be brushed aside as the petitioner has not produced any document to show that the representation was duly sent. In such situation, there cannot be any question of disposal of the supposed representation and consequently no contempt rule can be issued.

3. However, we are disposed to give an opportunity to the petitioner, considering her distressed condition, to put in another application to the concerned authority seeking compassionate appointment and if any such application is made, the same shall be duly considered and in case it is turned down, a reasoned order should be recorded and communicated to the petitioner within ten weeks from the date of receipt of fresh representation from the petitioner.

4. Subject to the observation as above, the CPC is rejected.

5. No order is made as to costs.

6. This order be communicated to the parties forthwith.

Mukherjee
18/9/97
(M.S. Mukherjee)
Administrative Member

Dr. Chatterjee
18.9.97
(A.K. Chatterjee)
Vice-Chairman