

In the Central Administrative Tribunal
Calcutta Bench

OA No.1013/96

21-4-2004

Present : Hon'ble Mr.N.Prusty, Member(J)
Hon'ble Mr.G.R. Patwardhan, Member(A)

Md. Eramul Haque

-Vs-

E. Rly

For the applicant : Mr.J.Islam, Counsel
Mr.Zafirul Islam, Counsel

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

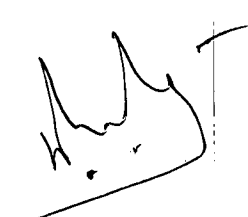
ORDER

• Mr.N. Prusty, Member(J)

The applicant, who is one of the sons of Late Golam Mortoja, an Ex Rly employee has filed this application for the following reliefs :

- a) Direct the respondent Nos 1 to 3 to set aside and/or cancel the appointment of Ajijul Haque, respondent No.4 on the face of the guidelines noted in Annexure 'A' to the application for practising fraud and procuring the said appointment by misleading the respondent Nos.1-3.
- b) Direct the respondent Nos 1 to 3 to take appropriate action for using the forged document as genuine one.
- c) Direct the respondent Nos 1 to 3 to absorb and/or appoint the applicant in Group 'D' post and pay him the salaries as usual on compassionate ground in the category of dying in harness forthwith.

As such in this OA, the applicant has prayed for cancellation of the appointment of Ajijul Haque, who is one of the brothers of the applicant and given appointment on compassionate ground after the death of his father and also the applicant has prayed for absorption in a Group 'D' post on Compassionate ground. On our specific query, Mr.J. Islam, learned counsel leading Mr. Zafirul Islam, the learned counsel for the applicant submits that before approaching the Tribunal, the applicant has never moved before the concerned authority for the above relief, which is claimed by him in this OA. In view of above, as it appears, this application



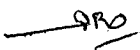
is completely premature one, since the applicant has approached this Tribunal directly, without approaching the concerned authority for the said relief.

2. When this matter was taken up today, Mr. Islam, the learned counsel for the applicant prayed to withdraw this application, with liberty to the applicant ^{to} approach the competent authority for redressal of his grievance in accordance with law, by way of filing a representation.

3. Mr. Arora, the learned counsel for the respondents submits that this application does not merit consideration and is liable to be rejected on merits on the basis of the statement made by the official respondents in their reply.

4. Considering the submissions made by the learned counsel for both the parties, the OA is accordingly dismissed as withdrawn. No order as to costs.

5. However, the applicant is at liberty to approach the appropriate Departmental authority for redressal of his grievance in accordance with law. It is made clear that we have not observed anything on the merits of the case.


Member(A)


Member(J)