

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

O.A. 1067 of 96

Present : Hon'ble Mr. D. Purkayastha, Judicial Member.

Smt. Amena Bibi, widow of Late Mobarak Ali,  
Ex-Welder under P.W.I., Kharagpur, S.E. Rly.,  
residing at Vill. Pitpur, P.O. Keshapart,  
Dist. Midnapore.

...Applicant.

- v e r s u s -

1. Union of India service through the General Manager, S.E. Rly., Garden Reach, Calcutta-43.
2. Sr. Divisional Personnel Officer, S.E. Rly., Kharagpur.
3. Sr. D.E.N. (Co-ordination), S.E. Rly., Kharagpur.
4. P.W.I., S.E. Rly., Kharagpur.
5. Jaheda Bibi, W/O Late Mobarak Ali, Ex-Welder under P.W.I., Kharagpur, S.E. Rly. residing at Vill. Pitpur, P.O. Keshapart, Dist. Midnapore.

...Respondents

For the applicant : Mr. A. Chakraborty, counsel.

For the respondents : Mr. P. Chatterjee, counsel.

Heard on 19.2.99

Order on 19.2.99

O R D E R

D. Purkayastha, JM

The applicant Smt. Amena Bibi filed this application for appointment on compassionate ground on the facts that her husband died on 11.7.87 without being regularised in the railway service. According to the applicant, she is the second wife of late Mobarak Ali. Sri Mobarak Ali divorced his first wife Smt. Jaheda Bibi. Smt. Amena Bibi got succession certificate from the competent Court of the District Delegate, Midnapore. Smt. Jaheda Bibi raised objection against the issuance of the succession certificate to Smt. Amena Bibi by filing an application before the District Delegate Midnapore. But the said application has been rejected by the ~~District Delegate, Midnapore~~ <sup>High court Calcutta</sup> by an order dated 8.6.95. <sup>✓ (Annex A)</sup> So there is no doubt that the applicant Smt. Amena Bibi is the legally married wife of late Mobarak Ali, Ex-Welder under PW1 Kharagpur,

S.E. Railway. It is stated by the applicant that she made a representation for getting compassionate appointment after getting succession certificate from the competent authority by a representation dated 22.7.96 (Annexure-B to the application). The applicant further stated that she had no independent income due to the death of her husband. She received only Rs.5,000/- towards gratuity. According to the applicant, she is still in distress for want of any income from independent source.

2. The respondents did not file any written reply. But Mr. Chatterjee, Id. counsel for the respondents has drawn <sup>my</sup> ~~our~~ attention to a circular bearing No. R.B.E. No. 39/97 which is supplementary Circular No.21 to Master Circular No.16 at page 33 of Bahri's RBO published in the year 1997 where it is mentioned-

" Kindly refer to the instructions contained in Board's letter No.E(NG)II/84/CL/28 dated 31.12.1986 (Barhi's RBO 1986 P-305) wherein it was laid down that wards of casual labour with temporary status, who died in harness, could be considered for appointment as casual labour (fresh face) or as substitute, under the personal discretionary powers of the General Manager.

These instructions were to be effective from 31.12.86 to 31.12.88 but were later extended upto 31.12.91 vide Board's letter No. E(NG)II/83/CL/28, dated 6.11.1989 and still later made applicable on a lasting basis beyond 31.12.1988 vide Board's letter No. E(NG)II/84/CL/28 dated 6.12.1990 (Bahri's RBO 1990 Vol.II P-297). These orders were, however, not applicable to the cases that occurred prior to 31.12.1986.

Pursuant to discussions in the PNM Meeting with NFIR held in October, 1996, it has been decided in partial modification of para 5 of letter No.E(NG)II/84/CL/28, dated 31.12.1986 (Bahri's RBO P-305) quoted above, that the above dispensation may be extended to cases where death of the Casual Labour with temporary status had occurred prior to 31.12.1986.

The other conditions laid down in Board's letter dated 31.12.1986 will continue to apply."

I have gone through the said Board's letter. It is found that by a letter dated 31.12.86 the Govt. considered the case of compassionate appointment in respect of the dependents of the employees who died in harness. The said circular dated 31.12.86 has been extended by the notification dated 14.3.1997 stating that other conditions laid down in Board's letter will continue to apply. However, I am not passing any remarks on that score. But I think it is a fit case to refer to the respondent No.1, General Manager, S.E. Railway, Garden Reach for disposal of the

representation of the applicant in the light of the relevant direction by a speaking and a reasoned order within three months' from the date of communication of this order. It is to be mentioned here that the General Manager may be satisfied <sup>as to</sup> ~~that~~ whether the applicant is still in distress for the purpose of appointment on compassionate ground by making <sup>a</sup> fullfledged enquiry as required under the rules. With this observation, application is disposed of.

3. No order is passed as to costs.

*D. Purkayastha*  
( D. Purkayastha  
Member (J)

a.k.c.