

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 234 of 1996

Date of Order: 04.08.2004

PRESENT : HON'BLE MR. S.K. HAJRA, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

SOUMITRA NAG

VS.

UNION OF INDIA AND ORS. (S.E. RAILWAY)

For the Applicant : Mr. AB. Ghosh, Counsel

For the Respondents : Mr. S. Choudhury, Counsel

ORDER

MR. K.V. SACHIDANANDAN, JM:

Applicant in this O.A. averred that he is the son of late P.B. Nag, who was a railway employee died on 27.7.85, leaving behind the applicant and his mother Smt. Latika Nag. The applicant has filed this O.A. seeking for the following main reliefs:-

"i) To direct the respondents to give appointment to the applicant either on compassionate grounds or against handicapped quota, the son of the deceased railway employee, interms of the Railway Board's circular and the extant rules of the Railways and also the verdict of the APEX Court of the Country, commensurating with his qualification in any Group-'D' post;

ii) To direct the respondents to deal with and/or dispose of the representations, being Annexure 'A-1' hereof;"

2. Heard Mr. AB Ghosh, counsel for the applicant and Mr. S. Choudhury, Counsel for the respondents and gone through the pleadings.

3. Respondents have filed the reply statement contending that strictly speaking the applicant has no right of employment because he was engaged as substitute peon against leave vacancy and after resumption of permanent employee, he was never engaged. However, in paragraph-4 of the reply statement the respondents has specifically taken plea that

"However, he was engaged as substitute Peon in place of leave vacancy and he was discharged on 28.12.82 on resumption of the permanent employee. After 28.12.82 he was never engaged in the Rly. It is stated that appointment on compassionate ground and handicapped quota may be considered



by the Rly. Administration on receipt of the application form from the applicant. But in this case no application has been received by this Office."

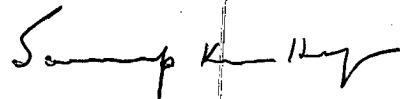
4. We have heard ld. counsel when the matter came up for hearing. ld. counsel for the respondents submits that he has no objection in disposing of the representation dated 28.12.1995.

5. In the interest of the justice we are also of the view that a limited direction is given to the respondents with reference to the pleadings taken by them in the reply statement as quoted by them and it will suffice the interest of the justice. Therefore, we direct the respondents to consider the representation of the applicant dated 26.12.1995 (Annexure-A/1) or any representation that the applicant proposed to make within a week time from today and the respondents are directed to dispose of the same within a time frame of three months in accordance with rules and the pleadings taken in the reply statement and communicate the same to the applicant. We are also making it clear that while disposing of such representation the respondents shall give a personal hearing to the applicant if they so desire.

6. The O.A. is accordingly disposed of. Under these circumstances, no order as to costs.



MEMBER(J)



Sanjay K. Ray
MEMBER(A)