

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 1438 of 97

Date of order : 9.6.04

Present : Hon'ble Mr. Sarweshar Jha, Member (A)

MANASHI RANI SINHA

VS

UNION OF INDIA & ORS

For the applicant : Mr. B.C.Sinha, Counsel

For the respondents : Mr. M.K.Bandopadhyay, Counsel

O R D E R

Heard Mr. B.C.Sinha, 1d. counsel appearing for the applicant and Mr. M.K.Bandyopadhyay, 1d. counsel appearing for the respondents.

2. At the very outset, the 1d. counsel for the respondents has submitted that prior to his death the deceased employee was serving in Bihar and this application should have been filed with Patna Bench of the Tribunal. In this connection, he has referred to the provisions under Rule 6 of the CAT (Procedure) Rules, 1987 and has submitted that the said provisions do not permit filing of this application with the Calcutta Bench of this Tribunal. However, it has been submitted by the 1d. counsel appearing for the applicant that the cause of action has partly arisen within the territory falling under the jurisdiction of Calcutta Bench of the Tribunal in the sense that the applicant, who is the daughter of the deceased employee, is a resident of this place and, as such, she would file her application before this Bench. Considering the fact that the provisions of Rule 6 relate to the employees and not to their wards, who are eligible to make applications for compassionate appointment, and also keeping in view the facts that the cause of action has partly arisen within the territory under the jurisdiction of this Tribunal, I am of the view that this application can be entertained by this Bench of the Tribunal.

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3. On the facts of the case, it is observed that the applicant, who is the daughter of the deceased employee who was employed with the respondents prior to his death in the year 1994, has prayed for her appointment on compassionate ground for the reason that her father died while in service. She has submitted some facts which would justify her prayer seeking appointment on compassionate ground.

4. It is observed that the matter had already been taken up with the respondents and who had initiated the process of consideration and who had requested the applicant vide their letter dated 14.12.94 to furnish certain documents in the matter.

5. It is learned from the ld. counsel for the applicant that those documents related to divorce order as has been granted to the applicant and the same are yet to be available, as the case relating to divorce of the applicant has been decided only recently.

6. Under these circumstances, it would be proper that this OA is disposed with a direction to the applicant that she will submit all the requisite papers to the respondents as asked for by them vide their letter dated 14.12.94 within 3 months and with a further direction to the respondents that they would consider the matter as prayed for by the applicant and dispose it of by issuing a reasoned and speaking order within 3 months of their having received the requisite documents from the applicant. With this, the OA stands disposed of. No order as to costs.



MEMBER(A)