

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 25 of 1997

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

1. Srimati Sabitri Debi, wife of Late Ram Prasad, house wife, residing at C/o. Murari Mohan Prasad Sinha, Mahalla - Vidyapuri, P.O. Jhumri Telaya, District-Modarma, Bihar, Pin - 825409.
2. Santosh Prasad, son of Late Ram Prasad, unemployed youth, at present residing at C/o. Murari Mohan Prasad Sinha, Mahalla - Vidyapuri, P.O. Jhumri Telaya, Dist. Kodarma, Bihar, Pin - 825409.

..... Applicants

-Versus-

1. Union of India, service through the General Manager, Eastern Railway, Fairlie Place, Calcutta ;
2. General Manager, Eastern Railway, Fairlie Place, Calcutta ;
3. Chief Personnel Officer, Eastern Railway, Fairlie Place, Calcutta ;
- 4) Divisional Railway Manager, Eastern Railway, Asansol, Dist. Burdwan ;
- 5) Divisional Personnel Officer, Eastern Railway, Asansol ;
- 6) Divisional Electrical Engineer (TRS), Eastern Railway, Asansol.

..... Respondents

Counsel for the applicants : Mr. S.K. Ghosh

Counsel for the respondents : Mr. P.K. Arora

Heard on : 12.3.1997 - Order on : 17.3.1997

O R D E R

A.K. Chatterjee, VC

Late Ram Prasad, husband of the petitioner No.1 and father of the other petitioner was an employee of the Eastern Railway as


B.T. Fitter at Kharagpur and was removed from service under rule 14(ii) of the Railway Servants(D&A) Rules, 1968, against which he filed a writ application before the Hon'ble High Court which was disposed of by this Tribunal, upon transfer of the said writ application, ^{by} setting aside the order of dismissal from service and directing the appellate authority to decide the appeal afresh. Accordingly, the General Manager considered the appeal afresh and instructed the D.R.M., Asansol to hold enquiry according to rules and the said railway employee made another application to this Bench being O.A. 1092/92 to quash the enquiry but he died during its pendency on 16.9.92. After his death, his heirs made an application for substitution in place of the deceased employee but they were given liberty to file a fresh O.A. and pursuant thereto, O.A. 774/93 was filed, which was disposed of by an order dated 8.4.94 with a declaration that the deceased railway employee shall have to be treated as a railway employee and his legal heirs shall be entitled to family pension and other retiral dues as may be admissible under the rules. The family pension and other retiral dues were released and thereafter on 24.10.94, the widow made an application ~~on 24.10.94~~ to the General Manager for appointment of her son, the present petitioner No.2 on compassionate ground. She made another such application to the D.R.M., Asansol on 2.5.95, which was acknowledged but none of the two representations has since been disposed of according to the petitioners. Hence, this application has been filed for a direction upon the respondents to appoint the present petitioner No.2 on compassionate ground because of the death in harness of his deceased father.

2. No counter has been filed by the respondents but we have heard the ^{Ld.}Counsel for both the parties and perused the records

before us. In the circumstances of the case narrated above and particularly in view of the fact that more than one representations were made by the petitioner No.1, which apparently remain pending to this date, we consider it appropriate to dispose of the application at this stage with a direction upon the authorities to dispose of the representation within a specified period.

3. The application is, therefore, disposed of at the stage of admission with a direction upon the respondents, particularly upon the respondent No.2 to treat the application as a representation for the relief of compassionate appointment of the petitioner No.2 as prayed therein and to dispose it of within ten weeks from the date of communication of this order and in case the petitioner No.2 is not favourably considered for any appointment, a reasoned order shall be passed and communicated to him.

4. We, however, make no order as to costs.


(M.S. Mukherjee)
Member (A)


17.3.87.
(A.K. Chatterjee)
Vice-Chairman