

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.G.A.398 of 1997

Present : Hon'ble Dr.B.C.Sarma, Administrative Member.
Hon'ble Mr.D.Purkayastha, Judicial Member.

1. SMT.ZAHEDA KHATUN W/o Late Rabilal, Ex-Khalasi under B.R.I.(I), S.E. Railway, Kharagpur.
2. Sk.MOHAR ALI S/o Late Rabilal, aged about 30 years, residing at Vill. Nazarpur P.O. Kantepukur, P.A.Bongaon Dist.Hourah.

... Applicants

Vs.

1. Union of India through the General Manager, S.E.Railway, Garden Reach, Calcutta-43.
2. The Sr.Divisional Personnel Officer, S.E.Railway, Kharagpur, P.O.Kharagpur, Dist.Midnapore, West Bengal.
3. The B.R.I.(I), S.E.Railway, Kharagpur, P.O.Kharagpur, Dist.Midnapore, West Bengal.

... Respondent.

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

For the respondents : Mr.S.Choudhury, counsel.


Heard on : 9.3.1998

Order on : 9.3.1998

ORDER

B.C.Sarma, A.M.

This application has been filed by the applicant no.1, being the wife of the deceased Khalasi under the Railway-respondents, and applicant no.2 being the son of the deceased, with a prayer that the service of the ex-Khalasi be regularised from the date of the panel in view of the office order dated 12.2.1996 issued by the Divisional Personnel Officer, S.E.Railway,


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Kharagpur and an appointment on compassionate ground be granted to applicant no.2.

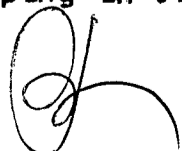
2. However, when the admission hearing of the matter was taken up, Mr.A.Chakraborty, ld.counsel for the applicants, submits that the prayer for grant of compassionate appointment has been abandoned by him since multiple prayers have been made in this application and he prays for liberty to file a separate application on the prayer for compassionate appointment. The prayer is allowed. So the instant application is restricted to the prayer of the applicant no.1 for regularisation of service of the said deceased Khalasi.

3. Heard the submissions of ld.counsel for both the parties and perused the record.

4. Since a simple prayer has been made by applicant no.1, we are of the view that the matter need not be adjourned and can be disposed of at the stage of admission itself.

5. We note that the applicants made a categorical averment that the deceased Khalasi was appointed under the Railway-respondents on 25.11.1967 and was empanelled vide memo dated 9/13.11.1972. While in service, he died on 29.2.1984 before any regularisation order could be passed. We note that as per annexure 'B/1' to the application, the respondents have issued orders pursuant to the circular dated 12.2.1996. Mr.Chakraborty submits that, earlier, another order dated 19.12.1997 in O.A.397 of 1997 was passed by this Tribunal on a similar point and he submits that this application may be disposed of on similar ground.


6. In view of the above position, we dispose of this application at the stage of admission hearing itself with a direction that the respondent no.2 who is the Sr.Divisional Personnel Officer, S.E.Railway, Kharagpur, shall treat the instant application as a fresh representation and dispose it of in terms of the circular dated 12.2.1996, keeping in view the order dated 19.12.1997 in



O.A.397 of 1997. If after such consideration the applicants are entitled to receive benefits as a effect of regularisation, such orders shall be passed by the respondent within a period of one month from the time of taking such decision and the same shall be communicated to applicant no.1.

7. No order is passed as to costs.


(D. Purkayastha)
Judicial Member


(B.C. Sarma)
Administrative Member