

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 425 of 1997.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.
HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

1. Smt. Kandan Mondal,
(widow of Lt. Tulsi Mondal,
Ex-Khalasi under PWI(Con),
E. Rly, Dankuni)
residing at Vill- Abada,
PO. Sankrail, Dist- Howrah.
2. Sri Brojen Mondal,
(eldest son of Lt. Tulsi Mondal)
residing at Vill- Abada,
PO. Sankrail, Howrah.

... Applicants.

Vrs.

1. Union of India,
through General Manager,
E. Rly, Calcutta.
2. General Manager,
E. Rly, Calcutta.
3. Permanent Way Inspector (Con),
E. Rly, Dankuni.

... Respondents.

For applicants : Mr. P.K. Ghosh, Counsel leading
Mr. B.P. Roy & Mr. S.N. Mitra, Counsel.

For respondents : Mr. P.K. Arora, Counsel.

Heard on : 15.1.1998.

Ordered on : 15.1.1998.

O R D E R

B.C. Sarma, AM.

1. This application has been jointly filed by two applicants, one being the wife of a deceased railway employee and the other is the son. Basically, two prayers have been made in this petition, first, for grant of settlement dues viz. P.F, D.C.R.G, Family Pension, CGEIS, Bonus, Leave Salary and Salary for the month of May'85 (upto 22.5.85) etc. and ^{other for} the grant of Compassionate Appointment to the applicant no. 2.

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2. The said Railway employee was a 'Khalasi' under the P.W.I (Con), Eastern Railway, Dankuni and he expired in-harness on 22.5.1985. The applicant no. 1 had represented to the railway authorities immediately after the death of her husband, as per contention of the applicants, by submitting a representation on 29.5.85, as set out at Annexure 'B' to the application. But no action has been taken by the railway authorities as contended by them. It appears that the applicant no. 1 had also filed another representation dated 18.11.1996 and they contend that no reply has been given against the said representation and, hence, the petition.

3. Mr. P.K. Arora, Id. Counsel appears for the respondents and opposes the application in so far as the compassionate appointment is concerned.

4. We have heard the submission of the Id. Counsel for both the parties and perused records. We first deal with regarding the prayer for grant of compassionate appointment for the sake of convenience. We find that on the day of death of the railway employee, the applicant no. 2 was a major. They had approached the railway authorities by representation, as averred by them on 29.5.1985, but no action has been taken thereon. They were remained silent for so many years. First-of-all, this prayer is barred by limitation, because, if they were aggrieved by the inaction on the part of the railway respondents, they should have approached this Tribunal in time, which was not done. Secondly, as regards merit, it is a law laid down by the Hon'ble Apex Court that compassionate appointment cannot be claimed as a matter of right at any point of time. Since this extra-ordinary step is to be taken by the respondents to give some succour to the bereaved family, it cannot be claimed and cannot be given at any length of time. It appears to us that by not giving the compassionate appointment to the applicant no. 2, the applicants were not aggrieved at that time. This is a stale claim and both on the grounds of Limitation as well as on lacks of merit, this prayer cannot be entertained.



5. We now deal with the another prayer of the applicants regarding retirement dues payable to the applicant no. 1 for the services rendered by her/^{deceased} husband under the respondents. We have been given to understand that not even the P.F. money has been released. The reasons are not known and Mr. Arora submits that he has no instruction in the matter. We are, therefore, of the view that a suitable direction is called for in this regard.

6. In view of the above, the application is disposed of at the stage of admission hearing itself with the direction that the respondents shall treat this instant petition regarding prayer for grant of settlement dues as a representation and shall dispose it of as per rules within a period of 3 months from the date of communication of this Order and, thereafter, within a period of one(1) month, they must ensure that the applicant no. 1 gets the payment to which she is entitled to after the death of her husband. If such payment is not made by the railway-respondents within the above stipulated time, they will have to pay interest to the applicant at the rate of 10% (ten percent) per annum from the date immediately following expiry of 3(three) months from the date of death of the railway employee. No order is passed as regards costs.

(D. Purkayastha)
Member (J)

(B.C. Sarma)
Member (A)