

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.579/2002

Thursday this the 29th day of August, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

D.A.Dass aged 83 years  
S/o P.Doraisamy,  
No.34, LGGS Colony, Erode.2. ...Applicant

(By Advocate Mr. T.C.Govindaswamy)

V

1. Union of India, represented by the  
General Manager,  
Southern Railway, Headquarters Office,  
Park Town PO, Chennai.3.
2. The Divisional Personnel Officer,  
Southern Railway,  
Palghat Division,  
Palghat.
3. The Divisional Railway Manager,  
Southern Railway,  
Palghat Division, Palghat. ..Respondents

(By Advocate Mrs.Rajeswari Krishnan (rep))

The application having been heard on 29.8.2002, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The son of the applicant, who was working as  
a Caretaker in the Running Bungalow, Erode (Southern  
Railway, Palghat Division) met with an accidental death  
on 21.2.98. The amount due under the Workmen's  
Compensation Act and under the Social Security Scheme  
were not made available to the family. Therefore, the  
applicant who is one of the dependents submitted  
Annexure.A2 representation to the Sr.Divisional  
Personnel Officer on 14.2.2001 who by letter dated  
1.10.2001 (A3) required the Chief Crew Controller,  
Erode to make available the requisite details and

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reports. However, finding no response thereafter, the applicant submitted another representation (A4) on 16.1.2002 to the General Manager, Southern Railway, Chennai for an early settlement of the claims. This representation has not yet been disposed of and the benefits not received by the family. Therefore, the applicant has filed this application for the following reliefs:

- (a) Declare that the non-feasance on the part of the 1st respondent to take a final decision on Annexure.A4 and to settle the compensation under the Workmen's Compensation Act, payable on account of the applicant's son's demise is arbitrary, discriminatory and unconstitutional and direct the respondents accordingly.
- (b) Declare that the non-feasance on the part of the respondents to pay the amount due under the Social Security Scheme on account of the demise of the applicant's late son is arbitrary, discriminatory and unconstitutional.
- (c) Direct the respondents to pay the compensation and the amount due under the Social Security Scheme forthwith and at any case, within a time limit as may be found, just and proper by this Hon'ble Tribunal.
- (d) Award costs of and incidental to this application; and
- (e) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

2. When the application came up for hearing, Smt.Rajeswari Krishnan appeared for the respondents. We have heard the counsel appearing on either side. Counsel on either side agree that the application may now be disposed of directing the 1st respondent to consider Annexure.A4 representation in the light of the rules and instructions and to give the applicant a speaking order within a reasonable time.

3. In the light of the submission of the learned counsel on either side, the application is disposed of directing the 1st respondent to consider Annexure.A4

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representation of the applicant in the light of the rules and instructions on the subject and to give the applicant a speaking order within a period of three months from the date of receipt of a copy of this order. No costs.

Dated the 29th day of August, 2002



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-1 : A true copy of the letter bearing No.J/P.483/V/VIII dated 7.9.2000 issued by the 2nd respondent.
2. A-2 : A true copy of the representation dated 14.2.2001 addressed to the 2nd respondent.
3. A-3 : A true copy of the bearing No.J/P.483/V/M dated 1.10.2001 issued by the Sr.Divisional Personnel Officer, Palghat.
4. A-4 : A true copy of the representation dated 16.1.2002 addressed to the General Manager, Southern Railway, Chennai.

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