

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 108/2000

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SECTION OFFICER (Judl.)

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 108/2000

OF 199

Applicant(s) *Smt. Sudeha Bhaduri*

Respondent(s) *Union of India and ors.*

Advocate for Applicant(s) *Mr. M. Chanda*

*Mrs. N. D. Gopwami*

Advocate for Respondent(s) *Mr. G. N. Chatterbari*

*Ry. Advocate*

Notes of the Registry	Date	Order of the Tribunal
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23.3.00

On the prayer of Mr. M. Chanda, learned counsel for the applicant the case is adjourned till 31.3.2000.

List on 31.3.2000 for consideration of admission.

*[Signature]*  
Member

trd

31.3.00

Application is admitted. Issue notice to the respondents by registered post. Written statement within four weeks.

List on 1.5.2000 for written statement and further orders.

*[Signature]*  
Member

trd

*[Signature]*  
31/3/2000

The application is  
admitted and within time  
of Rs. 80/-

Application No. 493061  
Dated 24.2.2000

*[Signature]*  
23/3/2000

*[Signature]*  
23/3/2000

4-4-2000

Service of notices  
prepared and  
sent to D. Section  
for issuing of the  
same to the respondent  
through Regd. post  
with A/D. vide D.Nos.  
989 to 990

N

②

GA 108/2000

Notes of the Registry	Date	Order of the Tribunal
<p><u>1-5-00</u></p> <p>No W/S filed.</p> <p>by.</p> <p>Notice duly served on R.No-1 &amp; 2.</p> <p>By 4.5.2000</p>	1-5-00	<p>No W/S. Adj. 19-5-00.</p> <p>19.5.00</p> <p>On the prayer of Mr J.L.Sarkar, learned Railway counsel one month time is allowed for filing of written statement.</p> <p>List on 23.6.00 for written statement and further orders.</p> <p>Member(J)</p>
<p><u>17-5-00</u></p> <p>No W/S has been filed.</p> <p>by</p>	23.6.00	<p>There is no Bench today.</p> <p>Adj. 20.7.00.</p> <p>20.7.00</p> <p>No Bench is available. Adj. 18-8-00.</p>
<p><u>28-9-2000</u></p> <p>No written statement has been filed.</p> <p>By</p> <p>No W/S has been filed.</p> <p>By 31.10.00</p>	18.8.00	<p>No Bench is available. Adj. 29.9.00.</p> <p>29.9.00</p> <p>3 weeks further time allowed for filing of written statement on the prayer of Mr B.S.Basumatary, learned Addl.C.G.S.C.</p> <p>List on 1.11.2000 for order.</p> <p>Vice-Chairman</p>
	1-11-00	<p>No representation. List again on 2-11-00.</p> <p>By order.</p>

## Notes of the Registry

## Date


## Order of the Tribunal

2.11.00

Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.

Four weeks time is allowed for filing of written statement on the prayer of Mr J.L.Sarkar, learned Railway counsel.

List on 30.11.2000 for order.

  
Vice-Chairman

pg

30.11.00

Three weeks further time is granted to file written statement on the prayer of Mr J.L.Sarkar, learned Railway standing counsel.

List on 22.12.2000 for order.

  
Vice-Chairman

pg

22.12.00

On the prayer of learned counsel for respondents four weeks time is allowed for filing of written statement. List on 25.1.01 for orders.

  
Member

  
Vice-Chairman

lm

25.1.01

No written statement so far filed. List the case for hearing on 3.4.01. In the meantime the respondents may file affidavit.

  
Member

  
Vice-Chairman

lm

3.4.

Passed over

M/W

A/L

3.4

4.4.01

Adjourned to 25.4.01 on the prayer of the learned counsel for the responden-


  
Member

  
Vice-Chairman


pg

29-11-2000


No. written statement has been filed.

  
29.11.00


No. written statement has been filed.

  
21.12.2000.


No. written statement has been filed.

  
24.12.00

No. written statement has been filed.

  
2.4.01

Written statement has not been filed.

  
24/4/2001

Notes of the Registry

Date

Order of the Tribunal

25.4.00.

place before in S.B on  
18.5.01.

18.5

Letter

written 23/5/2001 in re S.B.

23.5.01

Heard learned counsel for the parties. Hearing concluded. Judgement delivered in the open court, kept in separate sheets. The application is disposed of. No order as to costs.

Vice-Chairman

trd

19.6.2001

Copy of the Judge has been sent to the D/Sec. for issuing the same to the applicant as well as to the L/Adv. for the Responders.

HS

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CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./R.A. No. 108 of 2000 of

DATE OF DECISION 23.5.01 .....

Smt. Sudha Bhaduri

APPLICANT(S)

Mr. M. Chanda.

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. S. Sarma, on behalf of Mr. B.K. Sharma, Standing Counsel  
for the Railways.

ADVOCATE FOR THE  
RESPONDENTS.

THE HON'BLE MR. JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?
- 5.

Judgment delivered by Hon'ble

h

X

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 108 of 2000.

Date of decision : This the 23rd day of May, 2001.

Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman.

Smt. Sudha Bhaduri  
Wife of Late Dulal Chandra Bhaduri  
Village 22 A, B.G.Coloy,  
P.O. New Bongaigaon,  
P.S. Sidli  
District-Bongaigaon.

...Applicant

By Advocate Mr. M. Chanda.

-versus-

1. Union of India  
through General Manager,  
N.F. Railway, Maligaon,  
Guwahati.

2. Divisional Railway Manager,  
N.F.Railway,  
Alipurduar,  
West Bengal.

...Respondents

By Advocate Mr. S.Sarma, on behalf of Mr. B.K.Sharma,  
learned Standing Counsel for the Railways.

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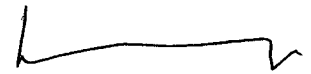
O R D E R (ORAL)

CHOWDHURY J.(V.C.).

This is an application praying for direction for compassionate appointment on the death of late Dulal Chandra Bhadury, Passenger Guard. The end of late Dulal Chandra Bhaduri came into a sad circumstances, while he was travelling in 54 Dn. Passenger Train Ex. Guwahati to New Bongaigaon on 3.6.1996, the miscreants pushed down Sri Bhaduri from the running train between Pathsala and Sarupeta Station. He was admitted in Maligaon Central HOspital where he expired on 4.6.1996. The wife of late Dulal Chandra Bhaduri submitted an application for compassionate appointment for appointing her daughter Moonmoon Bhaduri

(Banerjee) and she declared her to be the bread earner. The said application was turned down by an order dated 1.7.1997. The applicant again persuaded the matter. The authority considered the same but finally turned down her case. The respondents judged the financial status of the applicant and in their findings stated that the applicant did not have any encumbrance and whose financial status could not be said to be <sup>critical</sup> in crisis due to the settlement of the dues including the enhanced family pension. The reasons given by the respondents per se cannot be said unjust or unsustainable. Mr. Chanda, learned counsel for the applicant submitted that the applicant is in acute financial crisis and therefore a direction be made on the respondents for providing any pecuniary or financial benefit. On the materials on record in exercise of power under Section 19 of the Administrative Tribunals Act, 1985 it would not be appropriate for the Tribunal to issue a direction to the respondents. However it is always be open to the applicant to approach to the respondent authority under whom her deceased husband was working and died on harness. In the circumstances if any such application is made by the applicant the respondents may consider the same as per law.

2. With the above, the application is disposed of. There shall however be no order as to costs.



(D.N.CHOWDHURY)  
Vce-Charman



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

*du*

OA. No. 108/2000

Smt. Sudha Bhadbury

- Vs -

U.O.I. & Others

In the matter of :

Written statement on behalf of  
the respondents.

The respondents most respectfully beg to state as  
under:

1. That the respondents have gone through the original application and understood the contents thereof.
2. That the respondents beg to state that the subject matter of the application is barred by the law of Limitation and deserves to be dismissed on that ~~count~~ alone.
3. That the respondents do not admit any statement except those which are specifically admitted in this written statement. Statements not admitted are denied.
4. That before stating the replies against each para in the O.A. the respondents begs to state brief history of the case as under:

P/2.....

*Filed by the respondents  
Smt. P. Chakrabarti*

The Applicant is the wife of Late Dulal Ch. Bhadury, Ex. Passenger Guard under SS/NBQ. Late Bhadury ~~while~~ <sup>and</sup> was working as Guard in a passenger train, was found unconscious over the track. He was subsequently shifted to Maligaon Railway Hospital where he was declared dead on 4-6-96. Thereafter all of his F.S. dues including compensation were paid to his wife Smt. Sudha Bhadury (Applicant). After that the applicant applied for appointment in favour of her married daughter Smt. Moon Moon Bhadury (Banerjee) on compassionate ground. As Late Bhadury died in harness leaving his wife (applicant) and two married daughter only, the case for compassionate appointment in favour of his married daughter was put up to the General Manager/MLG (for short GM) for his consideration in terms of Railway Board's letter No. E(NG)III-78/RCL/1 dated 3-2-81, who is the highest authority to consider for appointment of married daughter on compassionate ground. After considering all the aspects including the financial condition of the applicant in terms of Board's letter No. E(NG)II/94/PC-1/236 dated 22-2-95, G.M. did not consider the case fit for appointment on compassionate ground in favour of married daughter and the same was communicated to the petitioner by letter No. WB/A/16/Gr 'D'/Priority - I & II dated 1-7-97 (Annexure 3 to the OA).

5. That in reply to the statements in para 4.4 of the OA it is stated that as per record the ex-employee (Late Bhaduri) died leaving his wife (applicant) and two married daughters only. Both the daughter were got

married during the life time of Late Bhuduri .

6. That in reply to the statement in Para 4.5 it is stated that since appointment on compassionate ground of a married daughter if otherwise found eligible is required GM's approval as such the application for such appointment referred to Head Quarter for GM's approval. But considering all the aspects including financial condition of the applicant, GM did not consider the case fit for appointment on compassionate ground in favour of the applicant's married daughter.

It is also stated that on receipt of the application for appointment on compassionate ground in favour of the married daughter necessary enquiry was made and sent the application to the GM for his approval. It is mention worthy that for obtaining GM's approval it is necessary to send the application for appointment along with a declaration, from the person who seeks to be appointed on compassionate ground, that she/he will act as a bread earner of the family. Accordingly the candidate was asked to submit such declaration and on receipt of such declaration, it was sent alongwith the application for appointment on compassionate ground for GM's approval. It is reiterated that the GM did not consider the case fit for appointment on compassionate ground of the married daughter.

7. That in reply to the statement in para 4.9 it is stated that the scheme for appointment on compassionate ground

has been made to give some assistance to the family to overcome from the financial crisis and to rescue the dependants of the Ex: employee who died/leave service in harness, that is when an employee died leaving behind several dependants and no one among them<sup>is</sup> in a position to earn their livelihood and in absence of any employment/bread earner the family will not be able to meet ~~out~~ the financial ~~xxxxxx~~ crisis and will become handicapped. But in the present case there is no such apprehension and the GM after considering all aspects including financial condition of the applicant rejected the prayer of the applicant.


8. That in the facts and circumstances of the case the application deserves to be dismissed with cost.

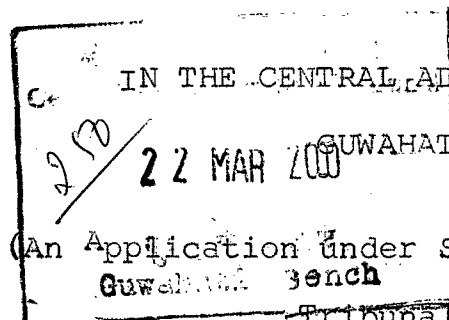
VERIFICATION

I SRI A.K. NIGAM working  
as Chief Personnel Officer (Admin.), N.F. Hq. Maligaon do hereby  
declare that the statements made in paragraphs 1 to 8 are  
true to my knowledge.

And I, sign this verification on this 24<sup>th</sup> day of April  
2001.

Guwahati

  
(SRI A.K. NIGAM)  
SIGNATURE



Title of the case : O.A. No. 108/2000  
Smt. Sudha Bhaduri : Applicant  
-versus-  
Union of India & Ors. : Respondents

I N D E X

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4	2	Letter dt. 6.12.96	14
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6	4	Representation dt. 13.5.98	16
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8	6	Letter dated 22.3.99	18-20

Date :

Filed by  
Neeraj Devi Goswami  
Advocate

Sudha Bhaduri

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(An Application under Section 19 of the Administrative  
Tribunals Act, 1985).

O.A. No. 108 / 2000

BETWEEN

Smt. Sudha Bhaduri

Wife of Late Dulal Chandra Bhaduri

Village 22 A, B.G. Colony

P.O. New Bongaigaon

P.S. Sidli

District-Bongaigaon

..... Applicant

-AND-

1. Union of India  
through General Manager,  
N.F. Railway Maligaon,  
Guwahati.
2. Divisional Railway Manager,  
N.F. Railway,  
Alipurduel,  
West Bengal

..... Respondents

DETAILS OF APPLICATION

1. Particulars of order against which this application  
is made.

This application is made for compassionate appointment  
of Smt. Moonmoon Bhadhuri (Banerjee) daughter of the applicant.

*Sudha Bhadury*

with ~~effect~~ immediate effect on the ground that the husband of the applicant, was died while in service on 3.6.96 due to serious injury sustained following the attack of miscreants in terms of Railway Board letter No. E(NG)III-78/RAL/1 dated 3.2.1981.

2. Jurisdiction of the Tribunal

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. The applicant further declares that this application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

4.1 That the applicants are citizens of India and as such, she is entitled to all the rights protections and privileges as guaranteed under the Constitution of India.

4.2 That the husband of the applicant Sri Dulal Chandra Bhaduri was serving as Passenger Guard, Alipurduah Division, N.F. Railway. ✓

4.3 That the husband of the applicant while working as passenger Guard on 3.6.96 in the 54 Dn. Passenger Train Middle Section Ex. Guwahati to New Bongaigaon was thrown away from the Brake Van by miscreants while the said train was passing between Pathsala and Sarupeta

Sudha Bhadury

stations. He was thereafter located, and shifted to Central Hospital Maligaon in unconscious condition at about 03.15 hrs. on 4.6.96.

4.4 That late Dulal Chandra Bhaduri Ex. Passenger Guard at the time of his death left two grown up daughter and wife i.e. the present applicant. It is stated that there is no bread earner in the family after the death of Sri Dulal Chandra ~~Baruah~~. Bhaduri.

4.5 That your applicant immediately after death of her husband submitted an application for compassionate <sup>ment</sup> appoint/on 28 July 1996 addressed to the Divisional Railway Manager (P) through Station Superintendent, NBQ praying for appointment for her eldest married daughter Smt. Moonmoon Bhaduri (Banerjee) in group C category on compassionate ground under priority (1) category in view of the death of her husband Sri Dulal Chandra Bhaduri, Ex. Passenger Guard while on duty under SS NBQ. She also stated in detail regarding injury sustained by her husband while on duty in the 54 Dn. Passenger Train running from Ex. Guwahati to NBQ on 3.6.96. It was also stated that her husband was pushed down from the running train in between Pathsala and Sarupeta Stations. Thereafter he was picked up by the Driver of 5622 Up Train on 3.6.96 from Mid Section as per advice of Section Controller through SS/SPQ with the advice to take him to N.F. Railway, Central Hospital at Maligaon. It was further stated in the application that he was admitted in the

Sudha Bhadury



in the Maligaon Railway Central Hospital where he was expired at about 03.15 hrs. on 4.6.96. In the said application the applicant stated that she has got only two married daughters namely Smt. Moonmoon Bhaduri (Banerjee) & <sup>another daughter.</sup> ~~Olly~~ Banerjee. It is also stated that the applicant has decided to reside with her eldest daughter and declared her bread earner. She also stated that due to her old and ill health she has no intention to seek appointment on compassionate ground for herself. She declared her eldest daughter to be her bread earner and therefore her eldest daughter to be appointed on compassionate ground under priority category (1) as per the extant rules in Group C category.

A copy of the representation dated 28.7.96 is annexed hereto and marked as Annexure-1.

4.5 That the Divisional Manager (P) Alipurduar Junction vide his letter bearing No. WB/A/16 Gr. 'D'-PRI-I & II dated 6.12.96 informed Smt. Moonmoon Bhaduri (Banerjee) the eldest daughter of the applicant wherein the Divisional Manager sought for clear declaration from her daughter Smt. Moonmoon Bhaduri in a Judicial paper that she would act as a bread earner of the present applicant.

In compliance of the aforesaid letter dated 6.12.96 the daughter of the applicant submitted necessary declaration as desired by the Divisional Railway Manager (P), Alipurduar Junction through his letter dated 6.12.96

Sudha Bhadury

But most surprisingly the respondent No.2 vide his letter bearing No. WB/A/16/GR'D'/Pri-1 & II dated 1.07.97 informed the present applicant that the General Manager did not consider the case fit for appointment to her married daughter Smt. Moonmoon Bhaduri (Banerjee) on compassionate ground. In the said letter no reasons has been discussed for non-consideration of appointment of the married daughter of the applicant on compassionate ground. The impugned letter dated 1.7.97 has been passed mechanically and without application of mind and also without consideration the provision laid down in the Railway Board letter No. E(NG)111/78/RC-1/1 dated 3.2.81. In para 2 of the said letter it is categorically stated that General Manager is fully empowered to appoint married daughter on compassionate ground. Therefore it appears that the decision of the General Manager rejecting the claim of the applicant for appointment of her married daughter on compassionate ground made in a very arbitrary manner without considering the relevant provision of Railway Board rule laid down in the letter dated 3.2.1981 regarding compassionate appointment of married daughters. In this connection it is stated that <sup>even</sup> ~~xx~~ discretionary ~~power~~ power should be exercised in judicious and fair manner. Since no reason has been discussed the impugned order of rejection is liable to be set aside and quashed.

A copy of the letter dated 6.12.96 and 1.7.97 are annexed as Annexures 2 & 3 respectively.

4.6 That your applicant begs to state that the eldest daughter of the applicant passed her matriculation

Sudha Bhadury

examination in the year 1982 from the Board of Secondary Education, Assam.

That

4.7 ~~Forxxxx~~ the applicant after receipt of the rejection letter dated 1.7.97 submitted a representation dated <sup>13</sup>16.5.98 addressed to the Railway Minister through Railway Board, New Delhi. In the said representation it is brought to the notice of the Hon'ble Minister that as per the Railway Rule ~~xxxxxx~~ dependent is entitled for appointment on compassionate ground and the General Manager as such power for compassionate appointment of married daughter. But in the instant case General Manager did not consider the case for her appointment on compassionate ground of her married daughter. It is further stated by the applicant that due to her ill health and old age she ~~xxxxxx~~ has no intention to seek appointment for herself on compassionate ground and she is highly shocked for non-consideration of appointment to her eldest daughter (married) on compassionate ground.

A copy of the representation dated <sup>13</sup>16.5.98 is annexed hereto and marked as Annexure-4.

4.8 That the applicant begs to state that Dr. Bikram Sarkar Member of Parliament, Lok Sabha vide his letter dated 16.5.98 requested the Railway Minister of State for Railways, Rail Bhawan, New Delhi to appoint the married daughter of the applicant on compassionate ground as soon as possible under priority category (1) but to no result.

A copy of the letter dated 16.5.98 is annexed as Annexure-5.

Sudha Bhadury

4.9 The applicant begs to state that the matter was taken up in the 84 quarterly PNM Meeting at Zonal level which was held on 25.3.99 to 26.3.99. The said matter was discussed in the PNM Meeting and in the administrative remark column it is stated on behalf of the General Manager that although there is no bar for consideration of appointment on compassionate ground to a married daughter but it is the discretion~~ery~~ of the General Manager who is to be satisfied with such married daughter that she would be the bread earner of the family of the deceased employee. The case of appointment of married daughter therefore cannot be dealt with in the same manner as that of the appointment of dependent of the family of the deceased employee namely widow/widower, son/unmarried daughter and it is further stated that in view of Railway Board Circular No. E/NG II/94/PC-1/236 dated 28.2.95 the authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that the family will not be able to meet the crisis then a job is to be offered to the eligible members of the family and it is further stated that the applicant having<sup>no</sup> encumbrance, whose financial status cannot be said to be in crisis with the liberalisation of the settlement dues including enhances family pension. Therefore it appears that the General Manager, N.F.Railway has rejected the prayer for consideration for compassionate appointment of married daughter of the applicant in terms of the letter dated 3.2.1981. In this connection it is stated that the case of the applicant ought to have been considered in terms

Sudha Bhadury

of the provisions laid down in the circular dated 3.2.81. But in the instant case the General Manager without application of mind rejected the case of the petitioner for compassionate appointment of her married daughter on the ground that there is no financial crisis for the dependent members of the deceased family. This decision of the General Manager not based on records. The applicant being the widow of the deceased receiving a very meagre amount of family pension and drawn the retirement benefits/dues and it is categorically stated that it is not possible to maintain her livelihood alongwith other dependent family members with the such meagre amount of family pension. Therefore the Hon'ble Tribunal be pleased to direct the General Manager to reconsider the case of the applicant for appointment of her married daughter namely Smt. Moonmoon Bhaduri (Banerjee) on compassionate ground.

A copy of the letter dated 22.9.99 is annexed hereto and the same is marked as Annexure-6.

4.10 That it is a fit case for the Hon'ble Tribunal to interfere with to protect the Valuable and legal right of the applicant for appointment of her eldest daughter on compassionate ground in view of the Railway Board Circular dated 3.2.1981.

4.11 That this application is made bonafide and for the cause of justice.

5. Grounds for relief(s) ~~forxxx~~ with legal provision.

5.1 For that the applicant has acquired a valuable and legal right for consideration of compassionate appointment to her married daughter in terms of

*Sudha Bhadury*

the provision laid down in Railway Board Circular dated 3.1.1981.

5.2 For that the case of appointment on compassionate ground was not considered in the manner indicated in the Railway Board Circular dated 3.2.1981 as well as Circular dt. 28.2.95 rather the decision of rejection of the prayer of the applicant for compassionate appointment is arbitrary and illegal.

5.3 For that it is difficult on the part of the applicant to maintain her livelihood alongwith other dependent members with the meagre amount of family pension.

5.4 For that the husband of the applicant was a low paid employee of the N.F. Railway who was serving in the cadre of Ex. Passenger Guard therefore the family pension received by the applicant is not sufficient to maintain the livelihood alongwith dependent members.

6. Details of remedies exhausted.

That the applicant states that she has no other alternative and other efficacious remedy than to file this application. Representation through proper channel were submitted by the applicant but the prayer of the applicant for appointment to her married daughter on compassionate ground has been rejected by the General Manager, N.F. Railway, arbitrarily.

*Sudha Bhadury*

7. Matters not previously filed or pending with any other court.

The applicant further declares that she has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought for :

Under the facts and circumstances of the case the applicant prays that Your Lordships would be pleased to issue notice to the respondents to show cause as to why the relief sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs :

- 8.1 That the respondents be directed to consider the appointment of the married daughter Smt. Moonmoon Bhaduri (Banerjee) of the applicant on compassionate ground with ~~immediate~~ immediate effect in terms of the provisions laid down in the Railway Board Circular dated 3.2.1981.
- 8.2 Cost of the Application.
- 8.3 Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

*Sudha Bhadury*

9. Interim relief prayed for :

Pending disposal of this application, an observation be made that pendency of this application shall not be a bar for appointment of the daughter of the married ~~xxx~~ on compassionage ground, mor so in view of the Section 19(4) of the Administrative Tribunals Act. The applicant also prays that the instant application be disposed of expeditiously.

10. ....

This application is filed through advocate.

11. Particulars of the I.P.O.

- |      |               |                     |
|------|---------------|---------------------|
| i.   | I.P.O. No.    | : 06 49 3062        |
| ii.  | Date of issue | : 24/2/28           |
| iii. | Issued from   | : G.P.O., Guwahati. |
| iv.  | Payable at    | : G.P.O., Guwahati  |

12. List of enclosures :

As stated in the Index.

Sudha Bhadury



V E R I F I C A T I O N

I, Smt. Sudha Bhaduri, wife of late Dulal Chandra Bhaduri, aged about 49 years, resident of ~~vill~~ ~~quater~~ vill. No. 22 A, B.G. Colony, P.O. New Bongaigaon, P.S. Sidli District, Bongaigaon, do hereby verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the <sup>Feb</sup> 21st day of November, 1999.2000.

Sudha Bhadury

Signature

Annexure-1

To

The Divisional Railway Manager(P)  
N.F.Railway, Alipurduar Junction  
Through : SS/NBQ

Sub : Appointment of my eldest married daughter Smt. Moon Moon Banerjee, in group (C) category on compassionate ground under priority (I) against the death of my husband late Dulal Chandra Bhadury, Ex. Pass.Guard under SS/NBQ.

Ref : My application dated 01.7.96.

Sir,

With due respect I beg to lay down the following few lines for favour of your kind consideration and favourable action please :-

That Sir, my husband late Dulal Chandra Bhadury, ex.pass, guard under SS/NBQ, while working 54 Dn Passenger Train ex. GHY to NBQ on 03.6.96, was pushed down from running train by the miscreants between Pathsala & Sarupeta station. He was picked up by Driver of 3622 UP of 06.6.96 from mid section as per advice of Section Controller through SS/SPQ to be taken to N.F.Rly. Central Hospital at Maligaon. He was admitted at Maligaon Central Hospital, where he expired at about 3.15 hrs. of 04.6.96.

I have only 2 married daughters, no son. Smt. Moon Moon Banerjee & Oly Banerjee of which Moon Moon is the eldest. Since I have no son, I have made up my mind to reside with my eldest daughter named Moon Moon Banerjee and declared her to be my bread winner. Due to my old and sickly health I have no intention to seek appointment for myself..

I declare my eldest daughter named Moon Moon Banerjee, to my bread winner, who is entitled to be appointed on compassionate ground under priority(I) as per extant rules.

I, therefore request your honour to please consider my case and kindly arrange appoint my married daughter Smt. Moon Moon Banerjee, in group 'C' category on compassionate ground and oblige.

The necessary particulars are given below :

1. Name of the candidate : Moon Moon Banerjee
2. Date of birth : 16.10.1967
3. Educational qualification : H.S.L.C
4. Designation of deceased employee : Guard (Pass.) NBQ
5. Relationship with the deceased : Daughter
6. Whether SC/ST : No

Thanking you  
Dt. 28 July 1996

Yours faithfully,  
Sd/-

(Smt. Sudha Bhadury)  
W/o late Dulal Chandra Bhadury  
Ex. Pass. Guard under SS/NBQ, Type II Rly.  
Gr. No. 22/A, B.G. Colony, New Bongaigaon

N.F.Railway

No. WB/A/16 Gr.'D'-Pri-I & II Dt. 6.12.96

To

Smt. Moonmoon Bhadury (Banerjee)  
D/o Lt. Dulal Ch. Bhadury  
Ex. Pass Guard/SS/NBQ  
Rly Qrs. No.22/A Type II  
B.G.Colony, New Bongaigaon  
P.O. New Bongaigaon, Dt. Bongaigaon

Sub : Appointment on comp. ground.

Please obtain a clear declaration in a Judicial  
paper th t you will be act as a bread winner of your  
widow mother.

Sd/-

for Divl. Rly. Manager(P)  
Alipurduar Junction.

N.F.Railway

Office of the Divl.Rly.Manager(P)  
Alipurduar Junction

No. WB/A/16/Gr.'D'/Priority-I & II

To

Smt. Sudha Bhadury  
W/o Late Dulal Ch. Bhadury  
Ex. Guard(Pass) under SS/NBQ  
Railway Qrs. No. 22/A, Type -II  
B.G.Colony  
New Bongaigaon

4.6.96 Expm  
28.7.96 Appn  
1.7.97 Reju

Sub : Appointment on compassionate ground of Smt. Moon  
Moon (Bhaduty) Banerjee married daughter of Late  
Dulal Ch. Bhadury, Ex. Guard (Pass) under SS/NBQ.

The case regarding appointment on Comp.ground  
ground of Smt. Moon Moon (Bhadury) Banerjee married  
daughter of Late Dulal Ch. Bhadury, Ex. Guard (Pass)  
under SS/NBQ has been examined in detail and on going  
through the case. GM did not consider the case fit  
for appointment on compassionate ground in favour of  
married daughter.

Sd/- Illegible

01.7.97

for Divl.Rly. Manager(P)  
Alipurduar Junction.

Annexure-4

To

The Railway Minister,  
Ministry of Railway  
Railway Board,  
New Delhi

Sub : Appointment of my married daughter Smt. Moon Moon Banerjee in Group (C) Category on compassionate ground under priority (1) against the death of my husband Late. Dulal Chandra Bhadury Ex. Passenger guard under SS/NBQ.

Respected Sir,

With most regard, I beg to bring to your notice that my husband Late. Dulal Chandra Bhadury Ex Passenger guard while working 54 Down passenger train middle section Ex Guwahati to New Bongaigaon on 3/6/96 was thrown away from the break van by miscreant. While said train was passing between Pathsala-Sorupeta Station. He was located and shifted to Central Hospital Maligaon, in unconscious condition. But lost his breath in the Hospital at about 3.15 hrs. of 4/6/96.

Sir, as per rule one dependent is given appointment on compassionate ground by D.R.M. But in case of married daughter G.M. has got power to give appointment in group (C) category as per RBS No. (NG) III 78 RC 1/1 of 3/2/81 Sl.No.SE 102/81 But on approach honourable G.M. did not consider the case, in favour of my married daughter.

Due to my old and sickly health I have no intention to seek appointment for myself. As G.M. has rejected my appeal for which I am very much shocked.

Sir, as I feel that I have committed crime that we have produced only daughter not son.

When I heard that present govt. You too are strongly pleasing for reservation of 33% of ladies in every where so in that context I to approach to your honour to realise my difficulty and to arrange appointment of my married daughter Smt. Moon Moon (Bhadury) Banerjee.

I, therefore request your honour to take necessary action early for which I will remain ever grateful.

Yours faithfully,

Dated 13/5/98

Sd/-  
(Sudha Bhadury  
22A B.G.Colony  
New Bongaigaon  
Bongaigaon (Assam)  
PIN 783381

AD 301, Sector I,  
Salt Lake City,  
Calcutta-700 064

MEMBER OF PARLIAMENT  
(LOK SABHA)

Ref : 98(N.P.R.)/15/98-99

Shri Nitish Kumar  
The Ministry of State for Railways  
Raily Bhawan  
New Delhi 110 011

Sub : Request to appoint Smt. Moonmoon Banerjee, in  
Group 'C' category on compassionate ground under  
priority (1) against the death of Late Dulal Ch.  
Bhadury Ex. Passenger Guard under 35 NBQ.

Dear Sir,

With reference to above subject I beg to state  
that Late Dulal Ch. Bhadury, Ex.Passenger Guard was  
thrown away from the Brake Van by miscreants on 3.6.96,  
while he was working on 54 DN Passenger Train. The  
accident occurred between Pathsala to Sarupeta Station.  
Afterwards, he expired in the Maligaon Central Hospital  
(Railway) on 4.6.96.

Now, due to old and sickly health his wife Mrs.  
Sudha Bhadury is will to nominate her married daughter  
Smt. Moonmoon Banerjee for appointment on compassionate  
ground.

I, therefore request you to appoint her married  
daughter Smt. Moonmoon Banerjee as soon as possible and  
oblige.

Thanking you,

Enclo : All relevant papers  
for your ready  
reference

Yours faithfully,

Sd/-

DR. BIKRAM SARKAR  
(Member of Parliament)  
Lok Sabha

Annexure-6

N.F. Railway

Office of the General Manager (P)  
Maligaon, Guwahati-11

No. E/301/30/83 (U)

Dated 22.03.99

CE, CME, CCM, COM, FA & CAO, CSTE  
CE/CON, CEE, COS SDGM, CMD, CSE.

Sub : 84th Qrly PNM Meeting at Zonal level to be held  
between NF Rly. Admn. and NF Rly. Mazdoor Union  
on 25.03.99 and 26.03.99

A copy of the agenda alongwith the administrative  
remarks is sent herewith for your information please.

You are requested to see that the items concern-  
ing to your department with the latest position so that  
the item can be discussed and finalised in the PNM meeting.

The Review items (Sl No. 30 to 59) will be  
discussed on 25.03.99 at 10.00 hrs. in the GM's Conference  
Room and fresh agenda items (Sl.No. 1 to 29) will be  
taken up for discussion on 26.03.99 at 10.00 hrs.

Please make it convenient to attend the above  
meeting.

DA/As above

Sd/- Illegible  
for GENERAL MANAGER

16. 84/16 Delay in appointment on compassionate Ground to the choosen married daughters in Alipurduar Jn. Division.

The attention of the Admn is drawn to the Rly. Board's letter No.E(NG)III/78/RC-I/1 dt.3.2.81 in para-2 of the letter it was stated that General Managers were fully empowered to appont married daughters of Rly employees on compassionate ground provided he was satisfied that such daughters would be bread winner of the family. But in Alipurduar division such appointment on compassionate ground were delayed. Union like to produce to such examples.

i) Late Dulal Chandra Bhaduri Ex. Guard/Pass/NBQ expired while on duty out of an acciednt on 4.6.96. The case was registered under priority-1 and remitted to Headquarters for approval.

The widow of deceased while applying as such opted for such appointment in favour of her eldest married daughter (No son) and declared as bread winner for her.

It may be mentioned here that the widow only having two girl child and both are married.

The decision of the Zonal Administration was conveyed to the widow by denying the prayer.

ii) The widow Smt. Manju Dey wife of late Utpal Krishna Dey, Ex. Rg. Station Supdt./Salbari who expired during service on 18.3.95 requested to appoint on compassionate ground, their only child, the married daughter Smt. Sukanya Ghosh (34).

The case was forwarded to Hd. Qrs. for approval vide DRM/P/APDJ's letter No. EB/A/16/Pt-VIII D for Group-C dt. 16.6.97 since then no decision was conveyed to the Division.

Union demand that when bread-winner opted for a married daughter the same should treated at par with male child i.e. son and any discrimination to the girl child would not be a fair deal and such the appointment should be made early in above 2 (two) cases.

#### ADMINISTRATIVE REMARKS

CPO

There is no bar for considering a married daughter for compassionate appointment. However, it is the discretion of the General Manager who is to be satisfied that such married daughter will be the bread winner of the family of the ex.employees. The cases of appointment of married daughter, therefore, cannot not be dealt with in the same manner as that of the appointment of dependent of the family of the ex employees namely widow/widower, son/unmarried daughter.



In the cases where the deceased Rly employees has left behind the widow & minor child/children, there may be compulsion to seek appointment for married daughter and that too when the widow cannot take up employment herself.

In terms of the Bd's circular No. E/(NG)II/94/PC-1/236 dt. 28.2.95 enclosing the circular of DOP, the relevant extracts of which is reproduced below :

✓ "The Govt. of the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family."

The widow having no encumbrance, whose financial status cannot be said to be in crisis with the liberalisation of the settlement dues including enhanced family pension.

17. 84/17 Disparity maintained in the matter of regularisation of service as Enquiry-cum-Reservation Clerk.

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