

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/01016/2018

Jabalpur, this Thursday, the 01st day of November, 2018

HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Momita Day, W/o Late Ganesh Chandra Day, D/o Subodh Gui,
D.O.B: 12/07/1987, Mobile No.9329229575, R/o 242/9 Locos
Talaiya, Railway Colony, Jabalpur (M.P.) 482001 -**Applicant**

(By Advocate – Shri S.K. Nandy)

V e r s u s

1. Union of India through its General Manager of West Central Railway, Zonal Head Quarter No.2, Jabalpur – 482001.

2. Divisional Railway Manager (P), West Central Railway, Jabalpur Division, Jabalpur 482001 -**Respondents**

(By Advocate – Shri A.S. Raizada appearing on advance notice)

ORDER (O R A L)

Heard.

2. This Original Application has been filed against the order dated 05.02.2016 (Annexure A-1), whereby the application of the applicant for compassionate appointment has been rejected on the ground that at the time of declaring medically unfit to her father on 26.02.2014, she was not dependent on deceased.

3. The case of the applicant is that she had married to Shri Ganesh Chandra Dey in the year of 2007 and thereafter due to

family dispute, the applicant was residing with her father since 2010. The main ground of the applicant is that she was residing and dependent on her father before he was declared medically unfit on 26.02.2014. It has been submitted by learned counsel for the applicant that though the divorce took place on 24.11.2014, however, the applicant was living with her father since the year 2010 and was totally dependent on him. He further submitted that there is a Railway Board's circular of 2017, which provides for entitlement of divorced daughter from the date of her dependency.

4. At this stage, learned counsel for the applicant submits that applicant would be satisfied if she is permitted to file a detailed representation indicating the aforesaid circular to the respondents and the respondents, in turn, may be directed to reconsider her case for compassionate appointment keeping in view the Railway Board's circular issued in this regard, in a time-bound manner.

5. Learned counsel for the respondents has no objection if this Original Application is disposed of in the above terms.

6. In view of the above, I am of the view that this Original Application can be disposed of with liberty to the applicant to

file a detailed representation indicating the circumstances and the above Railway Board's circular, within a period of 15 days from the date of receipt of a copy of this order. On receipt of such representation, the competent authority of the respondents shall consider and decide the same within a period of 60 days thereafter, as per rules/circular/instructions by passing a reasoned and speaking order.

7. The O.A is disposed of in the above terms. No costs.

(Ramesh Singh Thakur)
Judicial Member

am/-