

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



No. OA 350/43/2015

Date of order : 14.2.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

**JYOTSNA MUKHERJEE**

W/o Late Samir Kumar Mukherjee,  
AVIJIT MUKHERJEE &  
ARIJIT MUKHERJEE,  
S/o Late Samir Kumar Mukherjee  
R/o Vill - Bharangi,  
PO - Janubazar,  
Birbhum,  
Pin - 731124.

...APPLICANT

VERSUS

1. Steel Authority of India Limited,  
Through the Chairman,  
SAIL,  
Ispat Bhawan  
Lodi Road,  
New Delhi - 110003.
2. The Chief Executive Officer,  
Durgapur Steel Plant,  
PO - Durgapur,  
Burdwan - 713203.
3. The Deputy General Manager,  
(Coke Oven and Coal Chemicals)  
Durgapur Steel Plant,  
PO - Durgapur,  
Burdwan - 713203.

...RESPONDENTS.

For the applicant : Mr.A.De, counsel

For the respondents: Mr.S.Nandy, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.A.De, ld. Counsel appears for the applicant and Mr.S.Nandy, ld.

Counsel appears for the respondents.

2. By making this application under Section 19 of the Administrative Tribunals Act, 1985 the applicant has sought for the following reliefs :

- a) Leave may be granted to the applicants under Rule 4(5)(a) of CAT (Procedure) Rules, 1987;
- b) A direction do issue upon the respondents to give employment to applicant No.3, in place of his deceased father who died in harness, on compassionate ground commensurate with his application;
- c) And/or to pass such other or further order/orders as to your Lordships may deem fit and proper.

3. The brief fact as narrated by the Id. Counsel for the applicant is that the father of the applicant No.3 died in harness on 28.8.2012. After the sudden death of the sole bread earner in the family the applicant No.1 being the widow of the deceased employee made an application for compassionate appointment on behalf of applicant No.3 on 27.9.2012 but the same was not considered. Thereafter on 3.7.2013 the applicants made another application for compassionate appointment, which has been duly acknowledged by the respondent authorities and thereafter on 26.11.2014 the applicants made an application for compassionate appointment which has also been duly accepted and acknowledge by the respondent authorities.

4. On the other hand the respondent authorities in their reply have stated that neither the alleged application for compassionate appointment dated 27.9.2012 nor any other application for compassionate appointment was submitted by the applicants except for the application dated 25.11.2014 which is only a repetition of an earlier alleged application dated 7.9.2012. The employee died on 28.8.2012 and the only application requesting for compassionate appointment was received by the respondents on 25.11.2014 which is more than two years after the death of the employee and as such the application is not maintainable.

5. I have heard both the Id. Counsels and perused the pleadings and materials placed before me.

6. In my view the reciprocal duty of the respondent authorities was to advise or suggest the applicant to apply for compassionate appointment in proper format which was not done. Accordingly without going into the merits of the case I hereby dispose of the present OA by directing the applicant to apply for compassionate appointment in proper format as annexed by the



respondents in their reply at Annexure R/1 within a period of 10 days from the date of receipt of the order. On receipt of such the respondent authorities shall consider the case of the applicant as per guidelines within a period of three months thereafter. The decision so arrived will be a reasoned and speaking one and shall be communicated to the applicant forthwith.

5. With the above observation and direction the OA is disposed of. No order as to costs.

(MANJULA DAS)  
JUDICIAL MEMBER

In

