

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A 350/728/2018

Date of Order: 03.09.2018.

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member

Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Raj Kumar Mishra, son of Late Ramtirath Mishra, residing at Kadaroad, Wellmen Colony, Durgapur - 713203, District Paschim Bardhamna, State West Bengal.

--Applicant

Versus

1. The Union of India,
Through the Secretary, Ministry of Steel, government of India, Udyog Bhawan, New Delhi - 110011.
2. Steel Authority of India Limited,
Through the Chairman, Steel Authority of India, Ltd., Ispat Bhawan, Lodi Road, New Delhi - 110003.
3. Chairman, Steel Authority of India, Ltd., Ispat Bhawan, Lodi Road, New Delhi - 110003.
4. Durgapur Steel Plant,
Through the Chief Executive Officer, Durgapur Steel Plant, Main Administrative Building, Ispat Bhawan, Durgapur - 712203, District - Paschim Bardhaman, State - West Bengal
5. Chief Executive Officer Durgapur Steel Plant, Steel Authority of India Ltd., Main Administrative Building, Ispat Bhawan, Durgapur - 712203, District - Paschim Bardhaman, State - West Bengal
6. Executive Director (Personnel & Administration) & Revisional Authority, Durgapur Steel Plant, Steel Authority of

hsl

India Ltd., Main Administrative Building, Ispat Bhawan, Durgapur - 712203, District - Paschim Bardhaan, State - West Bengal

7. General Manager (Personnel & Administration), Durgapur Steel Plant, Steel Authority of India Ltd., Main Administrative Building, Ispat Bhawan, Durgapur - 712 203, District - Paschim Bardhaman, State - West Bengal.
8. Deputy General Manager-in-Charge (Personnel & Administration), Durgapur Steel Plant, Steel Authority of India Ltd., Main Administrative Building, Ispat Bhawan, Durgapur - 712 203, District - Paschim Bardhaman, State -West Bengal
9. Deputy General Manager-in-charge (Personnel & Works), Plant Personnel,), Durgapur Steel Plant, Steel Authority of India Ltd., Main Administrative Building, Ispat Bhawan, Durgapur - 712 203, District - Paschim Bardhaman, State - West Bengal
10. Junior Manager (Pers-W), Plant Personnel,), Durgapur Steel Plant, Steel Authority of India Ltd., Main Administrative Building, Ispat Bhawan, Durgapur - 712 203, District - Paschim Bardhaman, State - West Bengal
11. Assistant General Manager (Pers-NW),), Durgapur Steel Plant, Steel Authority of India Ltd., Ispat Bhawan, Durgapur - 712 203, District - Paschim Bardhaman, State - West Bengal
12. Assistant Manager (Pers-NW&REC), Durgapur Steel Plant, Steel Authority of India Ltd., Ispat Bhawan, Durgapur -

holi

712 203, District - Paschim

Bardhaman, State - West Bengal

13. Deputy Manager, Personnel
Department (Recruitment), Durgapur
Steel Plant, Steel Authority of India
Ltd., Ispat Bhawan, Durgapur - 712
203, District - Paschim Bardhaman,
State - West Bengal

14. Head of the Department, P.W.E
Department, Durgapur Steel Plant,
Steel Authority of India Ltd., Ispat
Bhawan, Durgapur - 712 203, District
- Paschim Bardhaman, State - West
Bengal

-----Respondents

For The Applicant(s): Mr. A. Roy, Counsel

For The Respondent(s): None


ORDER (ORAL)

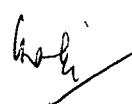
Per: Dr. Nandita Chatterjee, Member (A):

Mr. N. Roy, ld. counsel for the applicant is present and heard. None appeared for the respondents. Affidavit of service is taken on record.

2. Ld. counsel for the applicant submits that the instant O.A has been filed seeking the following relief:

"(a) A direction, order or command be issued upon the respondents, their men, agents, servants and/or assigns, more particularly the respondent No. 6, to forthwith consider the representation of the applicant dated 22.11.2017 for his compassionate appointment by giving an opportunity of hearing to the applicant and thereupon to communicate the decisions therefor by a reasoned order to the applicant within a time as Your Lordships may deem fit and proper;

(b) A direction, order or command be issued upon the respondents, their men, agents, servants and/or assigns, more particularly the respondent No. 6, to consider the issue



of appointment of the applicant on compassionate ground under died-in-harness category, forthwith;

(c) A direction, order or command be issued upon the respondents, their men, agents, servants and/or assigns to provide appointment to the applicant on compassionate ground under died-in-harness category, forthwith;

(d) A direction, order or command be issued upon the respondents, their men, agents, servants and/or assigns, not to withhold the appointment of the applicant on compassionate ground under died-in-harness category, in any manner whatsoever;

(e) Any other and/or further order/orders and/or direction/directions, if required, even by moulding the reliefs specifically prayed for, as Your Lordships may deem fit and proper."

3. Ld. counsel for the applicant also submits that the applicant has filed a prayer on 22.11.2017 for employment on compassionate ground as per the rules of the respondent authorities (Annexure A-6 to the O.A), to which the respondents have not communicated their decision till date.

4. Ld. counsel for the applicant further submits that the applicant's purpose would be served if a direction is issued to the competent respondent authority to consider the representation of the applicant, dated 22.11.2017 (Annexure A-6 to the O.A), by giving an opportunity of hearing to the applicant and to communicate the decision thereof.

5. Accordingly, without entering into the merits of the matter, we direct the competent respondent authority to examine the representation of the applicant dated 22.11.2017 (Annexure A-6 to the O.A), if received at his end, and to pass a reasoned and speaking order thereon within a period of 6 weeks from the date of receipt of a copy of this order.

hah

6. It is further directed that such speaking and reasoned order should be passed in accordance with law, as per rules of the respondent's organisation and in the light of the judgement of the Honble High Court in W.P.C.T 140/2016, dated 1st August, 2016. The applicant may be given an opportunity to be heard and the decision arrived at should be conveyed immediately thereafter.

7. The O.A is disposed of accordingly at the admission stage. There will be no orders on costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

ss