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D.A.No. 350/735/2017
M.A.No. 350/437/2017

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

An application under Section 19 of the

Administrative Tribunal Act, 1985

In the matter of:

1. Padma Ghosh, aged about 46 years, wife of Late Bhola Ghosh, ✓
Ex. G/Man/Naihati/E.Rly.
(Engineering (OL)), Residing at
Vill. Siherpara Road, Near Buri
Bartala, P.O. Mndalpara, Dist.
24 Parganas (N), Pin. 743127.

....Applicant

Verus.

1. Union of India, through the
General Manager, Eastern
Railway, Fairlie Place, Kolkata-
700001.
2. The Divisional Railway
Manager, Eastern Railway,
Sealdah Division, Sealdah,
Kolkata-700014.
3. The Senior Divisional Personnel
Officer, Eastern Railway,
Sealdah Division, Kolkata-
700014.

....Respondents

DL

O.A.No.350/735/2017
M.A.No.350/437/2017

Date : 13.02.2018

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member

For the applicant : Ms. T. Maity, counsel
For the respondents : Ms. S. D. Chandra, counsel

ORDER(Oral)

A.K. Patnaik, Judicial Member

The instant O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- "a) Direct the Respondents to give an appointment on compassionate ground to the applicant after disposing of the application of the applicants dated 06.03.2017 in the accordance with law;
 - b) Direct the Respondents to give an appointment on compassionate ground to the applicant in accordance with law;
 - c) To give benefit of judgment being O.A.No.1251/2015 dated 09.02.2017;
 - d) Any other order or orders as your Lordships may seem fit and proper."
2. The applicant has also filed an M.A.No.350/437/2017 for condonation of delay in filing the O.A.

The M.A. for condonation of delay is allowed.

3. I have heard Ms. T. Maity, Id. counsel for the applicant on the O.A. Ms. S.D. Chandra, Id. counsel for the respondents is also present and heard.
4. Brief facts of the case as narrated by Id. counsel for the applicant Ms. T. Maity are that the husband of the applicant, Late Bhola Ghosh while working under the respondents died on 12.02.2002 and thereafter the applicant approached the authorities concerned praying for appointment on compassionate ground, but her prayer has not been considered. Ms. Maity



further submitted that the applicant made a representation dated 06.03.2017 (Annexure A/2) to the Respondent No.3 i.e. the Senior Divisional Personnel Officer, Sealdah Division, D.R.M. Office, Eastern Railway, Kolkata praying for appointment on compassionate ground, but no reply has been received by her till date. Ms. Maity submitted that the applicant would be satisfied if a direction is given to the respondent No.3 to consider the representation of the applicant dated 06.03.2017(Annexure A/2) in the light of the decision of this Tribunal dated 09.02.2017 passed in O.A.No.350/1251/2015 and pass necessary orders as per rules and regulations governing the field within a specific time frame.

5. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. In the instant case, as it appears, though the applicant submitted representation to the authority concerned ventilating her grievances, no reply has been received by her till date.

6. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of **S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990 SC Page 10 / 1990 SCC (L&S) Page 50** (para 17) in which it has been held as under:

"17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation."



7. Though no notice has been issued to the respondents for filing reply, considering the aforesaid facts and circumstances I am of the view that it would not be prejudicial to either of the parties if a direction is issued to the respondent authorities to consider and decide the representation of the applicant as per the rules and regulations in force.

8. Accordingly the Respondent No.3 i.e. the Senior Divisional Personnel Officer, Sealdah Division, D.R.M. Office, Eastern Railway, Kolkata is directed to consider and dispose of the representation of the applicant dated 06.03.2017(Annexure A/2), if such representation is still pending for consideration, by passing a well reasoned order as per rules and regulations governing the field within a period of six weeks from the date of receipt of a certified copy of this order. While passing order on the representation of the applicant, the respondent No.3 shall keep in mind the decision of this Tribunal dated 09.02.2017 passed in O.A.No.350/1251/2015(Annexure A/3) and ascertain the applicability of the said order in the instant case and communicate the result to the applicant forthwith. If the applicant's claim is found to be genuine, the benefits as claimed in her representation shall be extended to her within a further period of six weeks from the date of taking decision in the matter.

9. It is made clear that I have not gone into the merits of the case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

10. As prayed by the Id. Counsel for the applicant, a copy of this order along with the paper book may be transmitted to the Respondents No.3 by speed post



by the Registry for which Id. counsel for the applicant undertakes to deposit the cost within one week.

11. With the above observations the O.A. is disposed of. No order as to cost.


(A.K. Patnaik)
Judicial Member

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