

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A 350/882/2018
M.A 350/446/2018

Date of Order: 29.06.2018

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

1. Smt. Chandana Das, aged about 64 years, wife of Late Khudiram Das, who died in harness before retirement on 29.03.2017 while he was working to the post Senior Technical (Turner)/RTS/SPR in the Eastern Railway, Sealdah Division under the Senior Section Engineer (IC)/TRS/SPR, Eastern Railway, Sealdah Division, and residing at Village and Post Office - Alida, Police Station - Magrahat, District - 24 Parganas (South), Pin- 743355.
2. Mrs. Champa Jana (Das), daughter of Late Khudiram Das, aged about 34 years, residing at Village and Post Office - Alida, Police Station - Magrahat, District - 24 Parganas (South), Pin- 743355.

---Applicant

Versus

1. Union of India service through the General Manager, Eastern Railway, 17, N.S Road, Fairlie Place, Kolkata - 700001.
2. The Chief Personnel Officer, Eastern Railway, Howrah Division, 17, N.S. Road, Fairlie Place, Kolkata 700001
3. The Divisional Railway Manager, Eastern Railway, Sealdah Division, Sealdah, 223, Kaiser Street, Raja Bazar, Kolkata - 700014.
4. The Senior Divisional Railway Officer, Eastern Railway, Sealdah Division, Sealdah, 223, Kaiser Street, Raja Bazar, Kolkata - 700014.
5. The Senior Electrical Engineer/TRS/Sealdah, Eastern Railway, Sealdah Division, Sealdah, 223, Kaiser Street, Raja Bazar, Kolkata - 700014.
6. The AMM/TRS/SPR, Eastern Railway, Sealdah Division, Sealdah, 223, Kaiser Street, Raja Bazar, Kolkata - 700014.

---Respondents

For the Applicant(s): Mr. P. C Das, Counsel
: Ms. T. Maity, Counsel
For the Respondent(s): Ms. Gopa Roy, Counsel

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Judicial Member:

M.A 350/446/2018 filed under Rule 4(5)(a) of CAT (Procedure) Rules, 1987 for joint prosecution is allowed. The applicants are allowed to pursue the remedy jointly.

2. Heard ld. counsel for both parties.

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3. The applicant, Mrs. Champa Jana (Das), is the married daughter of the deceased employee and has applied for employment assistance on compassionate ground. An order dated 05.04.2018 has been issued by the Sr. Divisional Personnel Officer, Eastern Railway, Sealdah, which reads as under:

" Upon verification it appears that widow i.e your mother is drawing pension. So, there is no question of distress. You will not be the bread winner.

Thus, your appeal for compassionate ground appointment has not been considered by the competent authority."

4. Ld. counsel for the applicants submits that the widow's daughter is totally dependent upon the widow mother since her husband is completely invalid and incapable. Ld. counsel for the applicants cited a decision of this Hon'ble Tribunal, vide order dated 12.08.2015 being O.A no. 350/01086/2015, in an identical case where a married daughter was allowed to be considered afresh by the authorities. The order reads as under:

" 3. The Learned Counsel for the Applicant echoed the cri de Coeur of his client Ms. Sabita Rani Das (Kar), who is the married daughter of the deceased employee Susanta Kumar Das, by submitting that even though she is the married daughter of the deceased she undertook to maintain the family of the deceased if employment would be given to her on compassionate ground. The widow is helpless and the meagre amount of pension that the railway is giving her would not be sufficient to maintain the family. However, the respondent authority out rightly rejected such claim of the applicant. As such he would pray for allowing the prayer made in this O.A.

Per contra, the learned counsel appearing for the respondents would submit that the widow is having no other dependent to support and she is getting substantial amount towards family pension and it is sufficient for maintenance of the widow. The married daughter cannot by any stretch of imagination be treated as the dependent of the widow. According to him, the decision taken by the Railway Authorities is correct and legal.

4. When this Bench of the CAT raised the query as to whether the railway had adopted the mark system in assessing the eligibility of the applicant for getting compassionate appointment, the learned Counsel appearing for the respondents would reply that no such

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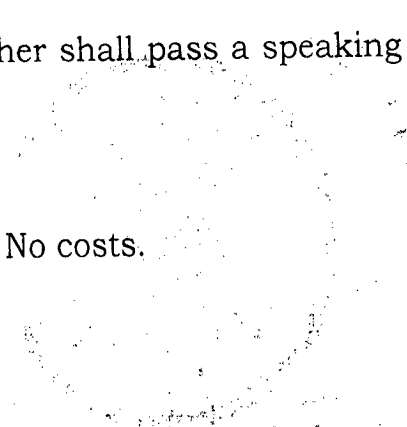
system is followed in the railways. Hence, in these circumstances, we are of the considered view that the following direction could be given.

5. The applicant is given liberty to make a fresh representation with all details within a period of one month from the date of receipt of a copy of this order; whereupon, the Railway authorities after giving a personal hearing to her shall pass a speaking order within a period of two months thereafter. "

5. Ld. counsel for the respondents submits that the applicant may make a fresh representation with all details for consideration of her prayer.

6. Accordingly, it is ordered that the applicant is given liberty to make a fresh representation with all details within a period of one month from the date of receipt of a copy of this order; whereupon, the Railway authorities after giving a personal hearing to her shall pass a speaking order within a period of two months thereafter.

7. The O.A is disposed of. No costs.


(Bidisha Banerjee)
Member (J)