CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata

ORDER SHEET

COURT NO. : 1
09.08.2018
O.A./350/1077/2018
M.A./350/540/2018
(SB)

GOUTAM CHANDRA MANNA ALIAS GOUTAM MANNA &
ANOTHER
-V/S-
S E RAILWAY

ITEM NO:19
FOR APPLICANTS(S)   Adv. :   Mr. B. Chatterjee

FOR RESPONDENTS(S) Adv.:   Ms. S. D. Chandra

Notes of The Registry	Order of The Tribunal
	The applicant have filed this O.A under Section 19 of the Administrative Tribunals Act,1985 seeking the following reliefs:

" (a) An order do issue directing the respondent authorities to consider the applicant for appointment of the applicant on compassionate ground since the applicant's father was declared medically unfit for all purpose and his earning capacity was reduced to 27%;

(b) An order do issue directing the respondent authorities to consider the representations of the applicant's father and dispose them off in accordance with law;

(c) An order do directing the respondents to produce all relevant records so that conscionable justice may be rendered;

(d) An order do directing the respondents to bear the costs of the litigation as undertaken by the applicant herein;

(e) Any other order or orders be passed as Your Lordship may deem fit and proper."

2. Heard Mr. B. Chatterjee, ld. counsel for the applicant. Ld. counsel Ms. S. D Chandra, who usually appears for South Eastern Railway is present in court. On my instructions Ms. S. D Chandra appears on behalf of the respondents and Mr. B. Chatterjee, ld. counsel for the applicant served a copy of the O.A to ld. counsel Ms. S. D. Chandra.

3. M.A 350/540/2018 filed for joint prosecution is allowed.

4. The brief facts as narrated by the ld. counsel for the applicants are that the applicant's father who was serving as a Carpenter, Grade – I, SSE (C&W)/SRC has met with an accident while on duty on 24.06.2001 and was subsequently declared medically unfit and his earning capacity reduced to 27%. The father of applicant No. 1 made

several representations to the authorities to consider his son, i.e the applicant No. 1 herein, for appointment on compassionate ground, but the same was not consider by the authorities. Ld. counsel for the applicants submits that the father of applicant No. 1 died on 17.04.2015, thereafter, the applicant No. 1 (the son of the deceased employee) preferred a representation, dated 02.02.2017, before the Respondent authorities intimating the unfortunate demise of his father and requested them to consider him for employment on compassionate ground, but received no response till date. Being aggrieved he has approached this Tribunal seeking the aforesaid reliefs.

5. Mr. B. Chatterjee, ld. counsel for the applicants submitted that the applicants would be satisfied for the present if a direction is given to the Respondent No. 3, to consider and dispose of his representation dated 02.02.2017 (Annexure A-5) as per rules and regulations governing the field within a specific time frame.

6. Though no notice has been issued to the respondents, I find that it would not be prejudicial to either of the sides if such prayer of the ld. counsel for the applicants is allowed.

7. Accordingly, the Respondent No. 3, i.e., the Divisional Railway Manager (P), Kharagpur Division, South Eastern Railway, Kharagpur, is directed to consider and dispose of the representation of the applicants, dated 02.02.2017 (Annexure A-5), keeping in view the rules and guidelines governing the field within a period of 6 weeks from the date of receipt of a copy of this order and communicate the decision to the applicants forthwith.

8. Though I have not gone into the merit of the matter, after such consideration, if the applicants are found to be entitled to the relief prayed for, appropriate steps may be taken to redress their grievance within a further period of 6 weeks from the date of taking decision in the matter

9. With the above observations and directions, the O.A is disposed of. No costs.

(A.K. PATNAIK)
MEMBER (J)

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