

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. O.A. 350/01280/2016

Date of order: 6.3.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

1. MAIMUL BEGAM,
Wife of Late Md. Hashim,
Age about 50 years,
By faith Muslim,
By occupation – House wife,
Residing at Village – Sasna,
P.O. – Sisai, P.S. – Sahzidpur,
District – Chapra, Bihar,
Pin – 841422.

2. MD. SHAZAD,
Aged about 20 years,
Son of Late Md. Hashim,
By faith Muslim,
By occupation – Unemployed,
Residing at Village – Sasna,
P.O. Sisai, P.S. – Sahzidpur,
District – Chapra, Bihar,
Pin – 841 422.

.. Applicant

- V E R S U S -

1. The Union of India,
Through the General Manager,
Eastern Railway,
17, N.S. Road,
Kolkata – 700 001;

2. The Secretary,
Ministry of Railways,
Railway Board, Railbhavan,
New Delhi – 110 001.

3. The Chief Personnel Officer,
Eastern Railway,
Fairlie Place,
Kolkata – 700 001.

4. The Divisional Railway Manager,
Eastern Railway,

Adles

Howrah – 711 101.

5. The Sr. Divisional Personnel Officer,
Eastern Railway,
Howrah – 711 101.

.. Respondents

For the Applicants : Sk. S.H. Molla, Counsel

For the Respondents : Mr. M.K. Bandyopadhyay, Counsel

O R D E R (Oral)

Per A.K. Patnaik, Judicial Member:

The applicants have filed this O.A. under Section 19 of the Administrative Tribunal Act, 1985 challenging the non-action or in-action on the part of the respondents in not considering the representations of the applicant No. 2 seeking appointment on compassionate ground in Railway service and letter No. DCC/Comp./34091209 dated 19.2.2016 issued by the Sr. Divisional Personnel Officer, Eastern Railway, Howrah rejecting the legitimate claim for his appointment on compassionate ground with the following reliefs:-

- (i) Leave may kindly be granted to file and hear this original application jointly before the Hon'ble Tribunal. The applicants have no other efficacious way to file the application.
- (ii) An order do issue upon the respondents particularly upon the Sr. Divisional Personnel Officer, Eastern Railway, Howrah to issue necessary order for the appointment of the applicant No. 2 on the compassionate ground by cancelling and/or quashing their office order vide No. DCC/Comp./34091209 dated 19.2.2016.
- (iii) An order do issue upon the respondents to dispose of the representation dated 1.8.2016 to the Chief Personnel Officer, Eastern Railway and to produce entire document before the Tribunal for concessionable of justice.
- (iv) And any other order/orders as Your Lordship may deem fit and proper."

2. The Ld. Counsel for the applicants submitted that the husband of applicant No. 1 and the father of the applicant No. 2 was a Railway employee working in the Eastern Railway in the post of Lampman under the

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Station Manager, Eastern Railway, Howrah. All on a sudden he expired on 6.5.2009. After the death of the employee the wife of the deceased submitted representations to the concerned respondents for appointment of her elder son in Railway service on compassionate ground. Thereafter when the elder son refused to carry out the responsibility of maintaining the family of the deceased and to work in the Railways, she applied for granting compassionate appointment in favour of her younger son. She submitted many representations and vide order No. DCC/Comp/34091209 dated 19.2.2016 her prayer was rejected. After the order passed by the departmental authorities dated 19.2.2016 under Annexure "A-10", the applicants have preferred an appeal dated 26.7.2016 under Annexure "A-11" before the concerned respondent authorities but till date she has not received any response from the said authorities.

3. Therefore, without waiting for the reply we think it proper to dispose of this O.A. by directing the respondent No. 3 that, if any such appeal has been preferred on 26.7.2016 as annexed under Annexure "A-11" and the same is pending consideration then the same may be considered by taking into account the Railway rules and regulations within a period of two months from the date of receipt of a copy of this order. Though we have not expressed any opinion on the merits of the case, we hope that if after such consideration the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of six months from the date of such consideration to extend those benefits to the applicant.

4. We also make it clear that if the said appeal stated to have been preferred has already been disposed of then the result thereof may be communicated to the applicant.

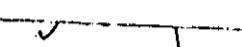
5. A copy of this order along with paper book be transmitted to the

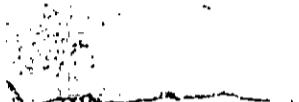


respondent No. 3 by speed post for which Sk. S.H. Molla undertakes to deposit necessary cost within a period of 7 days.

6. With the aforesaid observation and direction, the O.A. is disposed of.

No costs.


(Jaya Das Gupta)
Administrative Member


(A.K. Patnaik)
Judicial Member

SP