

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

LIBRARY

ORDER SHEET

COURT NO. : 1

27.08.2018

O.A./350/1302/2016

M.A./350/432/2016

(SB) (DELAY)

ITEM NO:21

FOR APPLICANTS(S) Adv. :

RITA DUTTA GUPTA & ANOTHER

-V/S-

EASTERN RAILWAY

Mr. J.R.Das

FOR RESPONDENTS(S) Adv.:

Mr. A.K.Guha

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. J.R.Das, Ld. Counsel for the applicants, and Mr. A.K.Guha, Ld. Counsel appearing for the Official Respondents, on whom a copy of the O.A. has been served.</p> <p>2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:</p> <p style="padding-left: 40px;">“8.(a)An order granting leave to the applicants under Rule 4(5) (a) of CAT (Procedure) Rules, 1987 to move the application jointly.</p> <p style="padding-left: 40px;">(a) To direct the respondent authority to take immediate steps by offering job on compassionate ground to the applicant No. 2 taking into consideration the representation dated 1.9.2012 and 22.1.2013 and several others.</p> <p style="padding-left: 40px;">(b) To direct the respondent authority to consider the case of the applicant No. 2 for compassionate appointment according to assurance was made on 9th August, 1994 to the applicant's mother being applicant No. 1 since the widow have made several appeal to the said authority.</p> <p style="padding-left: 40px;">(c) Further direction may be given upon the respondent authority to consider the applicants for his father's post and release all the benefits treating the same.</p> <p style="padding-left: 40px;">(d) To pass an appropriate order directing the respondents to submit all relevant records of the case before the Hon'ble Tribunal for conscionable justice with copies to the Ld. Advocate of the applicants for reference thereto.</p> <p style="padding-left: 40px;">(e) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper.”</p> <p>3. Brief facts of the case of the applicants are that the husband of applicant No. 1 and father of applicant No. 2, Ashok Kumar Dutta Gupta, Assistant Head THC under</p>

use

Operating Department, Sealdah Division, Eastern Railway, Sealdah died in harness on 22.3.1994 at the age of only 37 years and his son was a child of around 9 years of age. However, following sad untimely death of said Ashok Kumar Dutta Gupta, his widow, the applicant No. 1, made fervent prayers for considering the case of the her only son for compassionate appointment on attaining his majority, which was considered and applicant No. 1 was advised to make such prayer on attaining the age of majority by the applicant No. 2. Subsequently, several prayers were made either directly or through RTI but of no avail. Ld. Counsel for the applicant submitted that vide letter dated 3.6.2016 (Annexure-A/8) applicants have been advised to apply in prescribed format for such compassionate appointment, which they did but of no avail till date. Even after specific assurance by the respondent authority, the case of the applicant No. 2 has not yet been considered by the said respondents. Hence, the applicants have approached this Tribunal with the aforesaid prayers.

4. However, Mr. A.K.Guha, Ld. Counsel for the Official Respondents, brought to my notice the document made in page 33 of the O.A. in which it has been categorically directed to the Sr. Subordinate to forward the same to the respective Branch Officer, which he has not done so far. In my view, this lacuna cannot be attributable to the applicants as the applicants have no authority to ask the said Sr. Subordinate as to why he has not obeyed the instruction and forwarded the same to the Branch Office.

5. Having heard Ld. Counsel for the parties and after perusing the record, I feel it expedient to direct the Respondents to act upon the advice rendered by them on 03.06.2016 for submission of certain documents and to comply with certain directions, which the applicants have already complied with.

6. Taking into account the submissions made by both the Ld. Counsels, I do not think that it will be prejudicial to either of the sides if this O.A. is allowed to be disposed of. Accordingly, without going into the merit of the matter, I dispose of this O.A. by directing Divisional Railway Manager, Sealdah Division, Respondent No.3, to consider the case of the applicant by acting upon their own advice rendered by them on 03.06.2016 and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order. If after such consideration applicant's grievance is found to be genuine then expeditious steps may be taken by the Official Respondents to redress their grievance within a further period of six weeks therefrom.

7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

8. As prayed for by Ld. Counsel for the applicant, copy of this order along with paperbook be transmitted to Respondent No.3 by Speed Post for which he undertakes to deposit the cost with the Registry by 03.09.2018.

9. Free copies of this order be handed over to the Ld. Counsels for both the sides.

(A.R. PATNAIK)
MEMBER (J)

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