



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

O.A. 390/01399/2016

PARTICULARS OF THE APPLICANTS:

1) Sipra Dutta, wife of late Dipak Chandra Dutta, aged about 58 years,
occupation Nil, residing at Vill. Lalpur (Adjacent Lukky Banerjee House),
P.O. + P.S.- Chakadaha, Dist. Nadia, West Bengal, Pin 741222

2) Daibebani Dutta, son of late Dipak Chandra Dutta, aged about 32
years, occupation Nil, residing at Vill. Lalpur (Adjacent Lukky Banerjee
House), P.O. + P.S.- Chakadaha, Dist. Nadia, West Bengal, Pin 741222

.... APPLICANTS

V E R S U S -

I. The Union of India, through the Secretary Ministry of Finance, New
Block, New Delhi 1

II. The Commissioner Office of the Commissioner of Central Excise,
Kolkata, 15/1 Strand Road, Kolkata 700 001

III. The Additional Commissioner, of the Commissioner of Central Excise,
Kolkata 1, 15/1, Strand Road, Kolkata 700 1

.... RESPONDENTS

10/11/16

A. K. Banerjee

No. O.A. 350/01399/2016

Date of order: 2.5.2017

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

For the Applicant : Ms. T. Maity, Proxy Counsel

For the Respondents : None

ORDER (Oral)A.K. Patnaik, Judicial Member:

Heard Ms. T. Maity, Ld. Proxy Counsel appearing for the applicant.

2. This OA has been filed by Sipra Dutta, wife of Late Dipak Chandra Dutta and Daibebani Dutta, son of Late Dipak Chandra Dutta under Section 19 of the Administrative Tribunal Act, 1985 challenging the Office Order No. C. No. 11 (31)2-ET/Kol/11/2016/4680A dated 23.5.2016 issued by the Additional Commissioner, Office of the Commissioner of Central Excise, Kolkata – 700 001. This O.A. has been filed praying for the following reliefs:

"i) Office Order No. 11(31)2-ET/Kol-11/2016 dated 23.5.2016 issued by Additional Commission Office of the Commissioner of Central Excise, Kolkata cannot be sustained in the eye of law and the same may be quashed.

ii) Decision taken by the Screening Committee rejecting the claim of the applicants cannot be sustained in the eye of law and therefore the same may be quashed."

3. The facts in a nut shell as per Ms. T. Maity, Ld. Counsel appearing on behalf of Mr. A. Chakraborty, Ld. Counsel for the applicant are that the husband of Smt. Sipra Dutta was working as Superintendent in the office of the Commissioner of Central Excise Kolkata II, but unfortunately he died on 4.3.1999. The applicant No. 1 preferred a representation on 7.7.1999 before the Assistant Commissioner of Customs requesting to provide her



elder son i.e. the applicant No. 2 with an employment under compassionate appointment quota as she was the only earning member of the family and therefore was passing her days through severe financial crises. The case of the applicant No. 2 was duly approved by the Commissioner and his name was included in the list of candidates seeking employment assistance under compassionate appointment quota in Gr. 'D' category.

4. Ms. T. Maity, Ld. Proxy Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 3 to dispose of the representation dated 14.6.2016 within a specific time frame.

5. Though no notice has been issued still then I think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 3, that if any such representation have been preferred on 14.6.2016 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of one months from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicants' grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from the date of such consideration to provide him a job under compassionate appointment quota.

6. I make it clear that I have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

7. A copy of this order along with paper book be transmitted to the respondent No. 3 by speed post for which Ms. T. Maity undertakes to deposit necessary cost in the Registry by coming Monday.

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


(A.K. Patnaik)
Judicial Member

SP