

**No. M.A. 350/00925/2017
O.A. 350/01668/2017**

Date of order: 9.1.2018

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

For the Applicant : Mr. B. Chatterjee, Counsel

For the Respondents : Mr. S.K. Das, Counsel

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. B. Chatterjee, Ld. Counsel for the applicant and Mr. S.K. Das, Ld. Counsel for the official respondents.

2. The Miscellaneous Application No. 350/00925/2017 filed for joint prosecution is allowed.

3. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:-

“(a) An order commanding the respondents, their agents, subordinates and successors to grant compassionate appointment under the Eastern Railway in any Group ‘D’ post in favour of the applicants under land loser category.

(b) An order directing the respondents, their agents, subordinates and successors to produce all records and proceedings so that conscionable justice may be administered by granting the reliefs as prayed for hereinabove;

(c) An order directing the respondents, each one of them, their men, agents, staffs, subordinates and associates to certify and transmit to this Hon'ble Tribunal relevant documents pertaining to the present case so that conscionable justice may be administered by directing them to forthwith appoint the applicants in suitable posts in the pay scale of Grade Pay Rs. 1,300/- with Pay Band-I;

(d) To pass such other order or orders, direction or directions as Your Lordships may deem fit and proper.”

4. As prayed for by Mr. B. Chatterjee, Ld. Counsel for the applicant, this application is made against the denial of the respondents to grant compassionate appointment under land loser category and for purported illegalities and violation of the Railway Board's Circular dated 16.7.2010 being RBE No. 99 of 2010. He preferred representation, which is still pending consideration.

5. Mr. Chatterjee, Ld. 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. 5 to dispose of the representation dated 16.2.2017 within a specific time frame.

6. 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. 5, that if any such representation have been preferred on 16.2.2017 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 three months from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicant's 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 extend those benefits to the applicant.

7. 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.

8. A copy of this order along with paper book be transmitted to the respondent No. 5 by speed post for which Mr. Chatterjee undertakes to deposit necessary cost in the Registry by the next week.

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

(A.K. Patnaik)
Judicial Member

SP