

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. OA 350/01672/2014 -

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member

LAXMI DAS

VS

UNION OF INDIA & ORS.

For the applicant : Ms.T.Dasgupta, counsel

For the respondents : Mr.S.K.Das, counsel

Order on : 16.8.16.

O R D E R

Ms. Bidisha Banerjee, J.M.

Heard ld. Counsels for the parties and perused the materials on record.

2. This application has been filed against rejection of the prayer of the applicant seeking employment assistance on compassionate ground, vide letter dated 22.4.14 issued by respondent No.6, quashing whereof has been sought for.
3. The order impugned dated 22.4.14 is a reply under RTI Act which says as under :

"Reference above, detailed information in this regard along with relevant rules is enclosed herewith as received from Chief Office Supdt./Confidential/Asansol vide his Note No. DSC/4/Comp/45/2008/Gr.D, dt. 11.4.2014, Addl. Divisional Railway Manager, Eastern Railway, Asansol is the Appellate Authority of this Division."

4. The grievance of the applicant in a nutshell as could be discerned from the pleadings is that the employee Jogeswar Das expired on 30.1.08 as Sr. Khalasi SSE, C&W, ASN. Smt. Laxmi Das, his widow sought for employment assistance for her third son Prasenjit Das by way of an application dated 2.7.08. Upon investigation certain irregularities were detected in the educational certificates submitted by Prasenjit Das and therefore the prayer was regretted on 15.12.08. The widow then preferred a representation on

25.1.09 and on 25.4.12 and an application under RTI Act on 3.3.14 enclosing a copy of her appeal dated 25.1.09 and 25.4.

5. In order to contend that one should not be punished for submitting a fake certificate. Ld. Counsel for the applicant during the course of hearing relied upon a decision of the Hon'ble High Court in **WPCT 249/13 (Smt. Sushila Bauri & Anr. -vs- UOI & Ors.)** which is extracted infra :

"The respondent authorities herein sought to punish the other members of the deceased family including the petitioner No.2 by refusing to grant employment on compassionate ground to the said petitioner No.2 upon considering the conduct of the elder brother of the petitioner No.2 herein. This is a misplaced punishment on an unerring person for the wrong committed by somebody else in which he had no role to play."

For the aforementioned reasons, we do not approve the decision of the Senior Divisional Personnel Officer, South Eastern Railway dated 13th June, 2012 and quash the same accordingly.

For the identical reasons, the impugned order passed by the learned Tribunal also cannot be affirmed and the same is set aside.

The respondent authorities, particularly the respondent No. 4 and 5 herein, are directed to take immediate appropriate decision with regard to the claim for re-employment of the petitioner No.2 herein on compassionate ground without any further delay but positively within a period of three weeks from the date of communication of this order without being influenced by the earlier decision of the Senior Divisional Personnel Officer, South Eastern Railway in respect of the elder brother of the petitioner No.2."

6. It could also be noted that application dated 25.1.09 was duly forwarded for disposal to the Sr. DPO by the Sr. Section Engineer, C&W, Eastern Railway, Asansol as would be evident from Annexure A/2 to the OA. The said representation does not seem to be disposed of in any manner. It also appears that the order dated 15.12.08 although addressed to Prasenjit Das was never served upon him. Therefore he had no occasion to challenge the said order.

7. Therefore, the representation dated 25.1.09 being pending before the authority, the OA is disposed of with a direction upon the competent authority, the Sr. DPO, being respondent No.6, or any other authority to look into the grievance of the applicant as highlighted in his representation dated 25.1.09, to consider it in the light of the decision supra and pass a reasoned and speaking order on the claim within two months from the date of communication of this order.

8. The OA is accordingly disposed of. No order is passed as to costs.

(BIDISHA BANERJEE)
MEMBER (J)