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CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BENCH

No. O.A. 350/01832/2015

Date of order : 17.12.2015

Present : Hon'ble Mr. Justice G. Rajasuria, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

BISWAJIT SAMANTA

VS.

UNION OF INDIA & ORS. (S.E. Railway)

For the Applicant : Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel

For the Respondents : Ms. G. Ray, Counsel

ORDER (Oral)

Per Mr. Justice G. Rajasuria, Judicial Member:

Heard both.

2. This O.A. has been filed seeking the following reliefs:-

"(a) Office order dated 12.9.2012 issued by the Divisional Personnel Officer, South Eastern Railway, Kharagpur, cannot be tenable in the eye of law and same may be quashed.

(b) An order do issue directing the respondents to grant an appointment in favour of the applicant No. 2 as he was declared already screened for appointment in the Railway.

(c) Leave may be granted to file this original application jointly under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987."

3. The grievance of the applicant is that his candidature for compassionate appointment on the ground that he is the son of the land loser was not acceded to by the respondent authority concerned because in his education certificate, his father's name was mentioned as Bablu Samanta. But the land acquired stood in



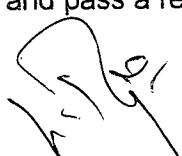
the name of Manoj Kumar Samanta. Hence, the Railway authority wanted that the educational certificate of the applicant should be got corrected by the appropriate authority. The Ld. Counsel for the applicant would submit that after the applicant passed all the tests for recruitment, only at the screening stage this discrepancy was noted by the Railway authorities and they gave direction to the aforesaid effect.

4. The Ld. Counsel for the applicant would also state that overwhelming, clinching documents are available with the applicant to show that the names of Bablu Samanta and Manoj Kumar Samanta are referring to one and the same person, so to say, the father of the applicant, and a suitable direction may be given in this regard.

5. The Ld. Counsel for the respondents would submit that if time is granted a detailed reply would be filed.

6. On hearing both, what we could understand is that here the Railway authorities simply wanted clarification regarding the identity of the applicant and for that they gave such a direction that the applicant should get the education certificate corrected by the appropriate authority. In our considered view that would amount to placing absolute reliance on educational authority. Instead of educational authority correcting it, it is for the Railways with the help of their officers and PRO to consider the documents, which the petitioner now is undertaking to produce before them and come to a conclusion within a time frame.

7. Accordingly, the applicant is directed to produce clinching documents regarding his identity, so to say, that he happens to be the son of Manoj Kumar Samanta also known as Bablu Samanta. The applicant undertakes to produce such certificate before the officer concerned within a period of one week from the date of receipt of a copy of this order; whereupon the officer concerned shall within a period of two months thereafter consider the same and pass a reasoned



and speaking order and communicate the same to the applicant.

We have not gone into merits of the case ^{try}

8. The O.A. is, accordingly, disposed of. No costs.

(Jaya Das Gupta)
MEMBER(A)

(G. Rajasuria)
MEMBER(J)

SP