

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. M.A. 350/92/2018
O.A. 350/130/2018

Date of Order: 02.04.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

Chanchal De
Vs.
N.F. Railway

For the Applicant : Mr. K. Chakraborty, Counsel

For the Respondents : Mr. M.K. Bandyopadhyay, Counsel

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

Mr. K. Chakraborty, Id. Counsel appears for the applicant and Mr. M.K. Bandyopadhyay, Id. Counsel appears for the respondents.

2. The MA. No. 350/92/2018 has been filed by the applicant of OA. 350/130/2018 for condoning of delay of 5 months 14 days in filing the OA and the MA is allowed.

3. The applicant has approached before this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“8(a) Do issue mandate upon the respondents, their men and agents and each of them to forthwith consider and dispose of the pending representation of the applicant dt. 22.2.2016 in its true spirit and perspective and on such consideration do consonable justice by offering an employment assistance to the applicant on compassionate ground to the applicant in any suitable post commensurate to the educational qualification of the applicant treating the father of the applicant to have retired voluntarily on all category unfit ground and from the date the medical authority of the respondents declared the father of the applicant “All Category Unfit” and as such recommended compassionate appointment for the applicant;

(b) Do issue mandate upon the respondents, their men and agents and each of them to forthwith certify and transmit all the papers and documents in connection with the instant lis before this Id. Tribunal for kind

perusal and on such kind perusal do consonable justice to the applicant.

(c) Grant cost of this proceeding in favour of the applicant;

(d) Pass such other or further order or orders, direction or directions, mandate or mandates as may appear to be fit and proper."

3. The brief fact of the case as narrated by the Id. Counsel for the applicant is that the father of the applicant while working in the respondent organization fell sick and on medical examination, he was declared "All Category Unfit" on 9.6.81. As per extant Railway Rules once an employees is declared All Category Unfit he can opt for Voluntary Retirement with prayer for compassionate appointment for one of his sons/wards. But in the instant case though the father of the applicant was declared All Category Unfit on 9.6.81 and as such recommended for his son's compassionate appointment but since such declaration was not disclosed to the father of the applicant by the authorities. The father of the applicant could not exercise his option seeking Voluntary Retirement with prayer of his son's compassionate appointment but the father was intimated such fact of All Category Unfit only on the day of his superannuation on 30.6.81. As such the legitimate claim and prayer of the father of the applicant and the applicant as well have been infringed illegally by the respondents. Thereafter, seeking redressal of legitimate grievances, the applicant made a representation to the authorities on 22.2.2016 but since the same has not been paid any heed and hence the applicant approached before the Tribunal in the present OA.

4. At the outset while moving the matter, Id. Counsel appearing on behalf of the applicant submitted that he will be satisfied if a direction is given to the respondent authority to dispose of the pending representation of the applicant dated 22.02.2016 within a time bound manner.

5. By accepting the prayer of the Id. Counsel for applicant and without going into the merits of this case, I hereby dispose of the OA by directing the respondents authority to consider and dispose of the representation of the applicant within a period of 3 months from the date of receipt of this order by passing a reasoned and speaking order. The decision so arrived shall be communicated to the applicant forthwith.

6. Therefore, OA and MA both are disposed of. No order as to costs.

(Manjula Das)
Member (J)

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