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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH.

DETAILS OF THE APPLICATION:

PARTICULARS OF THE APPLICANTS:

Smt. Bimala Murmu, Wife of Late Subal Murmu, aged about 24 years, residing at C/O-Nimai Ch. Haldia, Village-Niranjanbarh, P.O.-Rakhajangal, District-Paschim Medinipore, Pin Code-721301.

... Applicants.

- V E R S U S -

PARTICULARS OF THE RESPONDENTS:

- 1) Union of India, through the General Manager, South Eastern Railway, Garden Reach, Kolkata-700043.
- 2) The Divisional Railway Manager (P), South Eastern Railway, Kharagpur Division, Kharagpur, Paschim Medinipore, Pin Code-721301
- 3) The Sr. Divisional Personnel Officer, South Eastern Railway, Kharagpur Division, Kharagpur, Paschim Medinipore, Pin Code-721301.
- 4) Prāmila Murmu, residing at Village-Tengia P.O.-Pukuria, District-Paschim Medinipore, PIN-721507.

... Respondents.

JD

No. O.A. 350/00146/2017

Date of order: 29.6.2017

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

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. S. Bhattacharya, Counsel
Mr. T.K. Biswas, Counsel**ORDER (Oral)****A.K. Patnaik, Judicial Member:**

Heard Mr. A. Chakraborty, Ld. Counsel for the applicant, Mr. S. Bhattacharya, Ld. Standing Counsel for S.E. Railway, who is present in Court today and Mr. T.K. Biswas, Ld. Counsel appearing for respondent No. 4 i.e. private respondents.

2. This OA has been filed by Smt. Bimala Murmu, residing at C/o. Nimai Ch. Hansda, Village- Niranjanbarh, P.O. – Rakhajangal, District- Paschim Medinipore challenging in-action on the part of the respondent authorities in not extending the benefit of employment assistance on compassionate ground in her favour. She made a detailed representation before the authorities which is still pending consideration. This O.A. has been filed praying for the following reliefs:

"a) An order do issue directing the respondents to show-cause as to why the case of the applicant will not be considered for her appointment on compassionate ground.

b) An order do issue directing the respondents to grant appointment in favour of the applicant on compassionate ground forthwith."

3. The facts in a nut shell as per Mr. Chakraborty, Ld. Counsel for the applicant are that her husband was working as Helper-II under SSE/OHE-TRD/HLZ, S.E. Railway. Her husband died while in service on 16.9.2014. After his death the applicant approached the respondent authorities for extending the benefit of employment assistance on

compassionate ground in her favour. In this regard she made a detailed representation which is still pending consideration.

4. Mr. Biswas, Ld. Counsel at the outset vehemently opposed the disposal of this O.A. by stating that the applicant being the second wife is not entitled for those benefits. On the other hand, after perusal of records with the aid and assistance of Ld. Counsel appearing for both sides, I find that the applicant has ventilated her grievance before respondent No. 3 on 18.4.2016 praying for grant of benefits of employment assistance on compassionate ground. Mr. Biswas has also submitted that there is no proof that the said representation has been submitted or accepted by the said authority.

5. However, without entering into the merits of the case I think it appropriate to direct the respondent No. 3, that if any such representation have been preferred on 18.4.2016 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 two 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 extend the benefits of employment assistance on compassionate ground to the applicant. However, if in the meantime, the representation stated to have been made on 18.4.2016 have already been disposed of then the result be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

6. I make it clear that I have not gone into the merits of the matter and all points are kept open for the respondent No. 3 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 Mr. Chakraborty undertakes to deposit necessary cost in the Registry by the next week.

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

9. Free copy of this order be handed over to Mr. S. Bhattacharya, Ld. Standing Counsel for S.E. Railway, who is present in the Court today.


(A.K. Patnaik)
Judicial Member

SP