

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

OA/350/09/2018
M.A/350/11/2018
M.A 350/179/2016

Date of Order: 24.01.2018

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

1. Anil Kumar Prasad, son of Late Bhrigunath Prasad, aged about 36 years residing at Village Chakla, P.O Chandua, P.S Brizpur, District: North 24 Parganas, Pin-743145, West Bengal.
2. Smt. Chinta Devi, wife of Late Bhrigunath Prasa, (Ex. Tech III employee, Ex-T/No. 24063 in the Shop No. 24 C&W under Eastern Railway/Kanchrapara) aged about 65 years, residing at Village-Chakla, P.O Chandua, P.S Brizpur, District: North 24 – Parganas, Pin-743145, West Bengal.

... Applicants

Versus

1. Union of India, service through the General Manager, Eastern Railway, having its Office at 17 Netaji Subhas Road, Fairlie Place, Kolkata-700001.
2. The Chief Works Manager, Eastern Railway, Workshop Kanchrapara, P.O Kanchrapara, P.S Bizpur, District North 24 – Parganas, Pin 743145.
3. The Workshop Personnel Officer, Eastern Railway, Workshop Kanchrapara, P.O Kanchrapara, P.S Bizpur, District North 24-Parganas, Pin 743145.
4. The Assistant Personnel Officer, Eastern Railway, Workshop Kanchrapara, P.O Kanchrapara, P.S Bizpur, District North 24-Parganas, Pin 743145.

..Respondents

For the Applicant : Mr. A.K. Gayen, Counsel

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

ORDER(Oral)

Per : Ms. Manjula Das, Judicial Member:

M. A. /350/11/2018

Heard Mr. B. Chatterjee, Ld. Counsel for the applicants and Mr. A. K. Banerjee, Ld. Counsel for the respondents.

2. This M. A. /350/11/2018 has been filed by the applicants of O. A.

/350/9/2018 seeking permission to move the O. A. Jointly under Section (4)(5)(a) of C.A.T. (Procedure) Rules, 1987 on the ground that their grievances are similar in nature.

3. Having heard the Ld. Counsel for both sides we find that the applicants have common cause of action and common interest in this matter.

4. Accordingly, the M. A. is allowed.

M. A. /350/179/2016

5. By filing the M. A. /350/179/2016 the applicants have prayed for condonation of delay in filing the O. A. /350/9/2018.

6. It was submitted by the Ld. Counsel for the applicants that due to lack of proper advice the O. A. could not be filed in time. It was further submitted by the Ld. Counsel that one Title Suit No.4 of 2014 (Annexure A/8) was pending before the Court of Ld. Civil Judge (Junior Division), Barrackpore as such the O. A. could not be filed in time.

7. Mr. Banerjee, Ld. Counsel for the respondents, submitted that this O. A. has been filed long after the death of the employee, therefore, the M.A. for condonation of delay should not be allowed. The respondents have filed their reply to M. A. /350/179/2016. In para 5 of the reply the respondents have categorically stated that it is not a fit case to pay settlement dues of the deceased employees as well as for offering of appointment on compassionate ground to the applicant since one Title Suit No.4 of 2014 is pending before the Ld. Civil Judge (Junior Division) at Barrackpore which has been filed by one Hira Devi.

8. Ld. Counsel for the respondents has produced a certified copy of the order dated 12.04.2016 passed by the Ld. Civil Judge (Junior

Division) at Barrackpore in Title Suit No.4 of 2014 from which it appears that the said case was withdrawn by Smt. Hira Devi.

9. In view of the submission made by the Ld. Counsel for both sides and in view of the fact that the Title Suit No. 4 of 2014 has been withdrawn, the delay is condoned. The M. A. /350/179/2016 stands disposed of.

O. A. /350/9/2018

10. This O A has been filed by the applicants under Section 19 of the Administrative Tribunal Act, 1985 seeking following reliefs :

- (a) “ An order do issue directing the respondents authority to consider the claim of your applicants in respect of grant of compassionate appointment in favour of the applicant No.1 in any post within a very reasonable time;
- (b) Any other appropriate relief or reliefs as your Lordships may deem fit and proper.”

11. Ld. Counsel for the applicants Mr. B. Chatterjee submitted that the father of the applicant was an employee of the Railway who died in harness on 09.04.2013. Two months after the death of the employee the applicant made a representation to the respondent No.2 i.e. the Chief Works Manager, Kanchrapara Workshop, Eastern Railway on 24.6.2013(Annexure A/2) praying for appointment on compassionate ground. It was further submitted by the Ld. Counsel for the applicants that the applicant filed another representation dated 10.08.2013(Annexure A/3) to the respondent No.2 praying for disbursement of death cum retirement benefits of the deceased employee, but the respondents have not considered the representations of the applicants till date.

12. As the Title Suit No.4 of 2014 has been withdrawn by the applicant Smt. Hira Devi (as appears from the order dated 12.04.2016 produced by

the ld. counsel for the respondents), we find no impediment to dispose of this O. A. by directing the respondent authorities to consider the case of the applicants as per rules within a specific time frame.

13. Accordingly, the O. A. is disposed of with a direction to the respondents authorities more particularly the respondent Nos.2 before whom the representations are pending, to consider the prayer of the applicant and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. The decision so arrived at shall be communicated to the applicants forthwith.

14. With the above observation and directions the O. A. stands disposed of.



(Manjula Das)
Member (J)

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