



O.A. 350/298/2017
MA-350/185/2017

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 298 of 2017.
M.A. No. 350/185/2017
1. Smt. Sarna Kalpa, wife of Late
Biswanath Patra, Ex. Head TT, under
Sealdah Division, Eastern Railway,
and residing at 11, Maharaja Nanda
Kumar Road, Kolkata - 700 036.

2. Smt. Keya Patra, daughter of Late
Biswanath Patra, Unemployed, residing
at 11, Maharaja Nanda Kumar Road,
Kolkata - 700 036, aged about 31 years.

..... Applicants.

- Versus -

1. Union of India, through the General
Manager, Eastern Railway, 17, Netaji
Subhas Road, Kolkata - 700 001.
2. The Divisional Railway Manager,
Eastern Railway, Sealdah Division,
Kolkata - 700 014.
3. The Senior Divisional Personnel
Officer, Eastern Railway, Sealdah Division,
Kolkata - 700 014.

..... Respondents.

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No.O.A/350/298/2017
M.A.350/185/2017

Date : 16.05.2017

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

For the applicant : Mr. N. Roy
For the respondents : Mr. M.K. Bandyopadhyay, counsel

ORDER(ORAL)

A.K. Patnaik, Judicial Member

This O.A. has been filed under Section 19 of the Central Administrative Tribunals Act, 1985 challenging the action of the respondents in not considering the prayer of the applicants for appointment on compassionate ground.

2. In this O.A. the applicant has prayed for the following reliefs:-

- "a) To issue direction upon the respondents to consider the representations dated 07.12.2015 and 28.03.2016 for appointment on compassionate ground to the Applicant No.2;
- b) To issue further direction upon the respondent to give compassionate appointment on compassionate ground to the Applicant No.2 forthwith;
- c) Any other order or orders as the Ld. Tribunal deem fit and proper."

3. The applicants have also filed an M.A.No.350/185/2017 for permission to file joint petition.

4. Heard Mr. N. Roy, Id. counsel for the applicant. Id. counsel for the respondents Mr. M.K. Bandyopadhyay is also present and heard.

5. Having heard both sides, the M.A. for filing joint petition is allowed.

6. So far as the O.A. is concerned, Id. counsel for the applicant Mr. N. Roy advanced his arguments which could succinctly and precisely be set out thus:-

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The father of applicant No.2 died on 02.10.2014 while in service. After death of the employee, the family was suffering from financial hardship. They have no other source of income except the meagre amount of family pension being received by the applicant No.1(widow of the deceased employee). Therefore, the applicant No.2 applied for compassionate appointment to the respondent authority concerned on 12.10.2015, but that has not been considered. She made representations to the Divisional Railway Manager, Eastern Railway, Sealdah for appointment on compassionate ground on 07.12.2015(Annexure A/3) and on 28.03.2016(Annexure A/4) but till date, no reply has been received by her. Being aggrieved and dissatisfied with such inaction of the respondent authorities, the applicants have approached this Tribunal seeking the aforesaid reliefs.

7. Mr. Roy further submitted that the applicants would be satisfied if a direction is given to the respondent No.2 to consider and dispose of the representation of the applicant by passing a well reasoned order keeping in mind the rules and guidelines governing the field within a specific time frame.

8. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay.

9. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of **S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990 SC Page 10 / 1990 SCC (L&S) Page 50** (para 17) in which it has been held as under:

"17.Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account

of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation."

10. Considering the aforesaid facts and circumstances, I do not think that it would be prejudicial to either of the sides if a direction is issued to the respondent No.2 to consider and decide the representation of the applicant as per rules and regulations governing the field. The last representation filed by the applicant is dated 28.03.2015(Annexure A/4 to the O.A.). Accordingly the Divisional Railway Manager, Eastern Railway, Sealdah Division i.e. the Respondent No.2 is directed to consider and dispose of the said representation of the applicant, if lying pending for consideration, by passing a well reasoned order as per rules and intimate the result to the applicant within a period of three months from the date of receipt of a certified copy of this order. If the representation of the applicant has already been disposed of in the meantime, the result may be communicated to the applicant forthwith. If the applicant is found entitled to the relief claimed, he may be granted the same within a further period of one month from the date of taking decision in the matter.

11. It is made clear that I have not gone into the merits of the case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

12. As prayed by Mr. Roy, a copy of this order along with the paper book may be transmitted to the Respondent No.2 by post by the Registry for which Mr. Roy undertakes to deposit the cost within one week.

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13. With the above observations both the M.A. and O.A. stand disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member

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