

O.A. No. 350/408/2016
M.A. No. 350/144/2016
-3-



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BENCH

ORIGINAL APPLICATION NO. 408 OF 2016

In the matter of :

1. Smt. Gondri Debi w/o Late Kirton,
Ex-Gangman under SE(P.Way)/UDL,
E.Rly. Assansol Division, Assansol,
713301, ^{Age about 55 years} Residing at Andal, Vill -
Bhaluwa(Darway), p.o. Jagadishpur,
Dist:- Deoghar, Jharkhand, Pin 815353.
2. Sri Jagadish Mondal son of Late Kirton
Unemployed youth, residing at Andal,
Vill- Bhaluwa(Darway), P.O. Jagadishpur,
Dist:- Deoghar, Jharkhand- 815353.

.....Applicants.

-VS-

1. Union of India, Service through the
General Manager, E. Rly. Fairlei Place,
Kolkata- 700001.
2. The Divisional Railway Manager,
E. Rly. Assansol. Pin- 713301
3. The Sr. Divisional Personnel Officer,
Eastern Railway, Assansol - 713301.

.....Respondents.

Alle

O.A.No.350/00408/2016
M.A.No.350/00144/2016

Date of order : 23.03.2017

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

For the applicant : Mr. J.R. Das, counsel

For the respondents : Mr. S.K. Das, counsel

O R D E R (O R A L)

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 seeking compassionate appointment in favour of Sri Jagadish Mondal, the applicant No.2 in this O.A.

2. Shorn of the unnecessary details, the sum and substance of the O.A. is that the husband of applicant No.1 and father of the applicant No.2 who was working as ex-Gangman under the Eastern Railway, died on 14.02.2000 leaving behind his widow and the son i.e. the applicant No.1 and applicant No.2 respectively, in financial hardship. On 13.12.2005 the respondent authorities issued a letter to applicant No.1 wherein it was stated that her husband was removed from service vide notice dated 08.03.2000 as a disciplinary measure. No disciplinary proceeding was ever conducted by the Department.

3. In this O.A. the applicants have prayed for the following reliefs:-

"8(i) An order directing upon the respondents to consider the Demand of Justice made by the Ld. Advocate dt. 3.11.2009 and 10.11.2014 in respect of Compassionate appointment in favour of the applicant no. 2 as per rule.

(ii) An order directing the respondents to cancel, rescind, withdrew or set aside the purported memo dt. 8.3.2000 after death of employee and which was received by the applicant no. 1 on 13.12.05.

(iii) To pass an appropriate order directing the respondents to submit all relevant records of the case before the Hon'ble Tribunal, for conscionable justice.

Alle

(iv) Any other order or further order/orders as to this Hon'ble Tribunal may deem fit and proper".

4. The applicant has also filed M.A.No.350/00144/2016 for condonation of delay.

5. I have heard Mr. J.R. Das, Id. counsel for the applicants and Mr. S.K. Das, Id. counsel for the respondents. The M.A. is allowed.

6. Id. counsel Mr. J.R. Das appearing on behalf of the applicants submitted that a direction may be given to the respondents to consider the case of the applicants as per rules and regulations governing the field within a stipulated period.

7. I find that the maintainability of this O.A. is hit by Section 20 of the Administrative Tribunals Act, 1985 as the applicants have not ventilated their grievance by filing representation before the respondent authorities.

8. Mr. J.R. Das, Id. counsel for the respondents submitted that the applicants may be permitted to withdraw this O.A. with liberty to approach the appropriate authority ventilating their grievances by filing representation.

9. I have considered the facts and circumstances of the matter. Taking into account the submission made by Id. counsel for the applicants, the O.A. is disposed of as 'withdrawn'. Liberty is granted to the applicants to file appropriate representation to the competent authority i.e. Respondent No.2 and 3 ventilating their grievances within a period of four weeks from today. If such representation is preferred by the applicants within a period of four weeks, the Respondent No.2 or Respondent No.3 shall consider and decide the same by passing a well reasoned order as per rules and regulations governing the field and intimate the result to the applicant within a period of two months from the date of receipt of

Will

such representation. After such consideration, if the applicants are found to be entitled to the benefits, then expeditious steps may be taken by the respondents to grant the same within a further period of 3 months from the date of taking decision.

10. It is made clear that I have not gone into the merits of the case and all the points shall remain open for consideration by the respondent authorities as per rules and guidelines governing the field.

11. With the above observations the O.A. is disposed of as 'withdrawn.' No order as to cost. The applicant may annex a copy of this order alongwith the representation.


(A.K. Patnaik)
Judicial Member

sb