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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH,

NIZAM PALACE, KOLKATA.

ORIGINAL APPLICATION

NO. 443 OF 2015 ;  
M.A. 103 of 2016  
In the matter of :

An application Under Section 19 of  
Administrative Tribunal Act, 1985 ;

-And-

In the matter of :

Sri Mukesh Harijan,

Son of Late Dilip Harijan

Ex-Cook/SE(Loco)/Rampurhat, Eastern

Railway, aged about 31 years, residing

at Harijan Pally, P.O. & P.S. Rampurhat,

District : Birbhum, PIN Code : 731224.

....Applicant.

-Versus-

1. Union of India, through the  
General Manager, Eastern Railway,  
Kolkata - 700001.

( 2 )

2. The Divisional Railway Manager,  
Howrah Division, Eastern Railway,  
PIN Code : 711101.

3. The Senior Divisional Personnel  
Officer, Howrah Division, Eastern Railway,  
PIN Code : 711101.

4. The Senior Section Engineer(Loco),  
Rampurhat, Eastern Railway, P.O. & P.S. -  
Rampurhat, District : Birbhum,  
PIN Code : 731224.

....Respondents.

B

No. O.A. 350/00443/2016  
M.A. 350/00103/2016

Date of order: 23.11.2017

**Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member**

For the Applicant : None

For the Respondents : Mr. B.K. Roy, Counsel

**ORDER (Oral)**

**Ms. Bidisha Banerjee, Judicial Member:**

The applicant is aggrieved as his prayer for compassionate appointment has been rejected on 15.10.2012 vide Annexure "A-7" by a cryptic, non-speaking and unreasoned order which is quoted hereinbelow:-

"Reference above, it is regretted that after observing all aspects, the competent authority has not considered your application."

2. In the reply the respondents have disclosed that the reason for non-consideration of the applicant's case was that when one Staff & Welfare Inspector was deputed to verify authenticity of transfer certificate issued by Headmaster, Kolan P.B. Vidyapith (High School) P.O. Kolan-Radhakantapur : Murshidabad, it could not be verified by the District Inspector of Schools as the record had been destroyed due to huge flood in the year 2000. Further, the subsequent transfer certificate issued by Rampurhat Dr. S.M. Vidyayatan, which certified that the applicant had passed Class IX in the Session 2008-2009, but has not done registration from WBBSE, which certificate was later on changed on 20. 8.2010 to one certifying that the applicant could not pass the summative evaluations of Class IX and the earlier certificate was mistakenly certified was not sufficient to clear the doubt of the respondent authorities about the genuineness of the certificate.

3. Written notes of arguments have been furnished by the applicant stating that the family is still passing their days virtually reeling under

penurious circumstances and distressed condition and the family is in dire need of means of sustenance.

4. An M.A. has been filed seeking condonation of delay in preferring the O.A. as the rejection order of 2012 has been assailed in 2016.

5. The grounds put forth in the M.A. are that due to paucity of funds the applicant could not approach this Tribunal.

6. Ld. Counsel for the respondents further argued that the rejection order could not be faulted with and moreover the delay of 882 days could not be condoned and since the applicant has been able to manage without any means of sustenance since 2002, the application deserved to be dismissed as hopelessly time barred.

7. The rival contentions were noted.

8. In view of the facts pleaded in the M.A., since it seems to be a fit case for grant of relief, the M.A. is allowed and the delay is condoned.

9. Inasmuch as the authorities have rejected the prayer with a non-speaking and cryptic order whereas the second transfer certificate issued on 29.7.2010 and corrected on 20.8.2010 which seems to be in order, has been questioned unreasonably, the O.A. is disposed of with a direction upon the respondent authorities to consider the matter in terms of the said certificate dated 20.8.2010 annexed at R-10 to their reply and in terms of the provisions annexed at page 18 of the reply, notwithstanding the fact that there has been some delay in approaching this Tribunal. Let appropriate order be issued by three months.

10. The O.A. is disposed of accordingly. No costs.

*Bidisha Banerjee*  
(Bidisha Banerjee)  
Judicial Member