



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/35/ 2018
M.A.350/33/2018

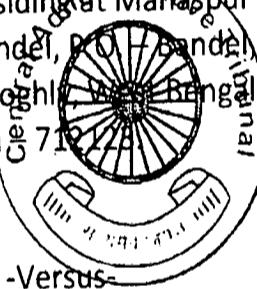
Date of order: 16.07.2018

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

1. Jaymala Sharma,
Wife of late Kishori Lal Sharma,
Ex-track man/P.Way/ BDC Eastern Railway,
Howrah, Aged about 58 years,
Residing at Manaspur Basti,
Thakurbari, Bandel,
P.O. – Bandel, P.S. – Chinsurah,
Hooghly, West Bengal,
Pin – 712123, house wife.

2. Bijoy Sharma,
Son of Kishori Lal Sharma,
Ex-Trackman/P.Way/BDC,
Aged about 31 years,
Residing at Manaspur Basti, Thakurbari,
Bandel, P.O. – Bandel, P.S. – Chinsurah,
Hooghly, West Bengal,
Pin – 712123

..... Applicants.



-Versus-

1. Union of India,
Through the General Manager,
Eastern Railway,
Fairlie Place,
Kolkata – 700001.

2. The Divisional Railway Manager,
Eastern Railway,
Howrah Division, Howrah 1.

3. The Senior Divisional Personnel Officer,
Eastern Railway,
Howrah Division, Howrah 1.

..... Respondents.

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

For the respondents : Mr. P. Kumar, counsel

[Signature]

ORDER(Oral)A. K. Patnaik , Judicial Member

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking compassionate appointment in favour of Applicant No.2. In the O.A. the applicants have prayed for the following reliefs:-

- "a) Direct upon the respondents to consider and dispose the representation made by the applicant no.2 Annexure A-13 dated 28.10.2017 and direction upon the respondents to give appointment on compassionate ground to the applicant no.2 within forthwith and give benefit of judgement in OA No.1251/15 Order dt. 9.2.2017;
- b) Direct upon the respondents to quash and set aside the order passed by the Senior D.P.O. Eastern Railway Howrah on 26.08.2013;
- c) Direction upon the respondents to produce all records before the Hon'ble Court at the time of hearing;
- d) Leave may be granted to file this application jointly in common cause of action under 4(5) (a) Cat Procedure Act,1985;
- e) Cost."

2. The applicants have also filed the M.A.No.350/33/2018 seeking permission of this Tribunal to move this O.A. jointly under Rule 4(5)(a) of CAT(Procedure) Rules.

3. Heard Mr. J.R. Das, Id. counsel for the applicant and Mr. P. Kumar, Id. counsel for the respondents.

4. The M.A. for joint prosecution is allowed.

5. So far as the O.A. is concerned, Id. counsel for the applicant Mr. J.R. Das submitted that though the applicant No.2 filed a detailed representation to the Additional Divisional Railway Manager, Eastern Railway, Howrah dated 28.10.2017 (Annexure-A/13) ventilating his grievances therein, he received no

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response to his representation till date. Mr. Das further submitted that the applicants would be satisfied for the present if a direction is given to the Respondent No.2 i.e. the Divisional Railway Manager, Eastern Railway, Howrah Division, Howrah-1 or any other competent authority to consider and dispose of the representation of the applicant No.2 dated 28.10.2017(Annexure A/13) as per rules within a specific time frame.

Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the parties, if the above prayer of the ld. counsel for the applicant is allowed.

6. Accordingly the Respondent No.2 i.e. the Divisional Railway Manager, Eastern Railway, Howrah Division, Howrah-1 or any other competent authority is directed to consider and dispose of the representation of the applicant No.2 dated 28.10.2017(Annexure A/13) by passing a well reasoned order as per rules and regulations governing the field within a period of six weeks from the date of receipt of this order and communicate the result to the applicants forthwith.

After such consideration if the grievance of the applicants is found to be genuine, then the respondents shall take expeditious steps for offering a job to the applicant No.2 on compassionate ground within a further period of six months from the date of taking decision in the matter.

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

8. With the aforesaid observations and directions, the O.A. is disposed of at the stage of admission itself.



9. As prayed by Id. counsel for the applicant, a copy of this order along with the paper book be transmitted to Respondent No.2 by the Registry by speed post for which Id. counsel for the applicant shall deposit the cost by next Friday i.e. 20.07.2018. A free copy of this order may also be given to the Id. counsel for the respondents.

(A. K. Patnaik)
Judicial Member

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