

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH, NIZAM PALACE, KOLKATA

O.A. No 35/1615 of 2018

In the matter of:

An application under section 19 of
the Administration Tribunal Act,
1985;

And

In the matter of :

Amit Mal,

S/o, Late Amal Mal,

Permanent Address:

Village - Takipur, P.O. Kogram,
P.S. Nalhati, District- Birbhum,
Pin - 731220, at present residing
At Village & P.O. Kaitha, P.S.-
Nalhati, District - Birbhum, Pin
Code - 731220.

..... APPLICANT

-Versus-

1. UNION OF INDIA, service
through the General Manager,
Eastern Railway, Fairle Place, 17,
Netaji Subhas Road, Kolkata -
700001.

20

2. The Chief Personnel Officer,
Eastern Railway, Fairlie Place, 17,
Netaji Subhas Road, Kolkata -
700001.

3. The Divisional Railway
Manager, Howrah Division,
Eastern Railway, Post Office and
District - Howrah, Pin Code -
711101.

4. The Divisional Personnel
Officer, Eastern Railway, Howrah,
P.O. & District - Howrah, Pin
Code - 711101..

5. The Senior Divisional Personnel
Officer, Eastern Railway,
Howrah, Pin Code - 711101.

..... RESPONDENTS

all

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1615/2018

Date of Order: 31.01.2019

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

Amit Mal -vs- Eastern Railway

For the Applicant(s): Mr. A. Mansoor, Counsel

For the Respondent(s): Ms. G. Roy, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Mansoor, Ld. Counsel for the applicant, and Ms. G.Roy, Ld. Counsel appearing for Official Respondents in extenso.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"a) Direction upon the Divisional Personnel Officer, Eastern Railway to provide employment on compassionate grounds to the Applicant immediately in accordance with his qualification and after relaxing educational qualification if necessary after setting aside Memo dt. 06.08.2018.

b) A direction be given upon the respondents to produce all the relevant documents of the case before the Hon'ble Tribunal in order to render conscionable justice to the Applicant.

c) To pass such other order or orders and/or further order as to Your Lordships may deem fit and proper for the ends of justice."

3. At the outset, Ld. Counsel for the applicant, submitted that the applicant is the son of the ex-employee, Late Amal Mal, who was working as Khalashi/Helper under SCW Tikiapara, Howrah and died in harness on 29.05.2012. The applicant had earlier filed one O.A No. 163 of 2018 which was disposed of with a direction

bcl

to make representation to the authorities but the same was rejected. He further submitted that although similarly situated persons have been provided with the benefit but his case was ignored.

4. On being questioned, whether the applicant has brought to the notice of the Railway authorities regarding benefits granted to the similarly situated employees, Mr. Mansoor submitted that the applicant has not done so, however, he seeks liberty of this Tribunal to approach Respondent Nos. 1 and 2 by way of representation.

5. After hearing Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. granting liberty to the applicant to make a comprehensive representation, annexing all the relevant documents, before Respondent Nos. 1 and 2 within a period of two weeks from the date of receipt of copy of this order and in such a scenario, Respondent Nos. 1 and 2 are directed to consider the same, keeping in mind the benefits granted to other similarly situated employees and pass a reasoned and speaking order as per rules and regulations in force and communicate the result to the applicant within a period of four weeks from the date of receipt of the said representation. I hope and trust that if after such consideration the grievance of the applicant is found to be genuine then expeditious steps be taken to grant the benefit of compassionate appointment to the applicant within a further period of eight weeks from the date of such consideration.

6. With the aforesaid observation and direction, this O.A. stands disposed of.

No costs.

6/2

7. Copies of this order be handed over to the Ld. Counsel for both the parties.

Applicant is granted liberty to annex a copy of this order, along with his representation to be preferred within two weeks.

(A.K.Patnaik)
Member(J)

RK/PS

