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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA.

O.A. No. 350/00 **398** of 2017

In the matter of :

Brij Lal, aged about 47 years, son of
Late Naresh, Ex-Chowkidar under PWI,
Hooghly, Eastern Railway, Howrah Division
who died in harness before retirement
while he was in service in the Eastern
Railway, Howrah Division and residing at
Railway Quarter No.8, Post Office –
Morepukur, Police Station – Rishra, District
– Hooghly, Pin – 712250.

..... Applicant

- Versus -

1. Union of India, service through the
General Manager, Eastern Railway, 17,
N.S. Road, Fairlie Place, Kolkata –
700001.



-2-

2. The Divisional Railway Manager,
Eastern Railway, Howrah Division,
Post Office & District – Howrah,
Pin – 711001.

3. The Senior Divisional Personnel
Officer, Eastern Railway, Howrah
Division, Post Office and District –
Howrah, Pin – 711001.

..... Respondents.

WLL

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/398/2017

Date of Order: 23.01.2019

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

Brij Lal -vs- Eastern Railway

For the Applicant(s): Mr. P.C Das, Counsel

Ms. T. Maity, Counsel

For the Respondent(s): Mr. B. K Roy, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. P.C Das, Counsel for the applicant, and Mr. B.K.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) To quash and/or set aside the impugned order passed by the Senior Divisional Personnel Officer, Eastern Railway dated 22nd July, 2016 being Annexure A-11 regarding rejecting the claim of your applicant for grant of appointment on compassionate ground in view of the decision passed by the Hon'ble High Court at Calcutta in the case of Rajendralal Biswas -vs- State of West Bengal dated 1st July, 2012 reported in 201(e) CHN (CAL), Page 38 being Annexure A-9 of this original application.

b) To pass an appropriate order directing upon the respondents authority to consider the case of the applicant for grant of compassionate appointment in view of the decision passed by the Hon'ble High Court at Calcutta in the case of Rajendralal Biswas -vs- State of West Bengal dated 1st July, 2012 reported in 201(e) CHN (CAL), Page 38 and to grant appointment in favour of the applicant against any suitable Group C post to save the acute financial hardship of the family of the deceased employee.

c) Costs

d) Any other appropriate relief or reliefs

e) To pass an appropriate order directing upon the respondent authority to consider the appeal preferred by the applicant on



29.08.2016 before the higher authority i.e the General Manager, Eastern Railway, Fairlie Place, Calcutta 700001 for reconsidering his case for appointment on compassionate ground in accordance with the order of this Hon'ble Tribunal within a time framed. "

3. The brief facts of the case of the applicant as enumerated by Ld. Counsel is that the applicant's father, who was a permanent employee in the Eastern Railway, died on 05.11.1969 when his sons, including the applicant, were minor. The elder brother of the applicant also died on 08.02.1979. It is submitted by the Ld. Counsel that despite making several representation during 1985, 1988, 1999, 2001 and 2010 seeking compassionate appointment, when the Respondents did not respond, the applicant approached this Tribunal in O.A. No. 280/2014 and in pursuance of the order passed by the Tribunal Respondent No.3 considered the representation and rejected the same vide order dt. 22.07.2016. The applicant being not satisfied preferred a representation on 29.08.2016 before Respondent No.1.

4. Although notice was issued in this matter and reply has also been filed by Mr. B.K.Roy, Ld. Counsel for the Official Respondents, Mr. P.C.Das, Ld. Counsel for the applicant, submitted that grievance of the applicant will be satisfied if a direction is issued to Respondent No. 1 to consider the representation dated 29.08.2016 as at Annexure-A/13 as no response has been received by the applicant from the said authority till date.

5. In view of the aforesaid submission made by the Ld. Counsel for the applicant, without awaiting for rejoinder and without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 1 to consider the representation of the applicant dated 29.08.2016, if the same has been filed and is still pending for consideration, and pass a reasoned and speaking order as per rules and regulations communicating the same to the applicant within a period of six weeks from the date of receipt of copy of this order. It is made clear that if after such consideration

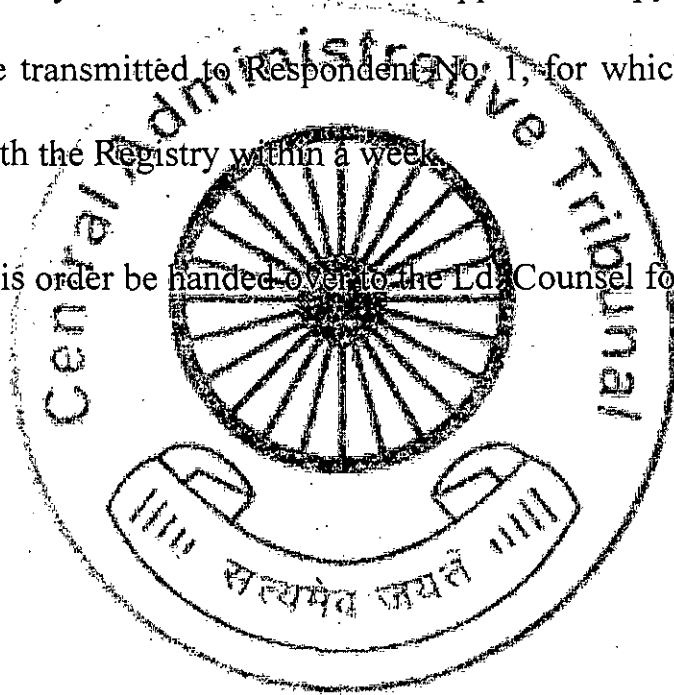


the grievance of the applicant is found to be genuine and he is otherwise entitled then expeditious steps be taken within a further period of six weeks to grant him appointment under compassionate appointment quota. I also make it clear that if in the meantime the said representation dated 29.08.2016 has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of.
No costs.

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 1, for which, he undertakes to deposit the cost with the Registry within a week.

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



(A.K.Patnaik)
Member(J)

RK/PS