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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CALCUTTA BENCH, AN APPLICATION UNDER SECTION 19 OF  
THE ADMINISTRATIVE TRIBUNAL ACT, 1985.

O. A. No. 350/1285 of 2018.

**SMT. JEERA DEVI,**

wife of Late Dineswar Prasad

Yadav, (Ex-Khalasi Helper/ IOW/

MDP), Village - Bhagawanpore,

P.O- Kasathi, Deoghar,

Jharkhand, Pin- 815353,

Petitioner.

-- VERSUS --

1. Union of India, service  
through - The General Manager,  
Eastern Railway, Fairly Place,  
Kolkata - 700001.

2. Sr. Divisional Personnel  
Officer, Eastern Railway Asansol,  
P.O- Asansol, West Bengal, PIN -  
713301.

3. Divisional Railway Manager,  
Asansol Division, P.O- Asansol,  
District- Burdwan, West Bengal,  
PIN - 713301.

...Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/1285/2018

Date of Order: 13.12.2018

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

**Smt. Jeera Devi Vs. UOI & Ors.**

For the Applicant(s): Mr. S.Chakraborty, Counsel

For the Respondent(s): Mr. S.K.Das, Counsel

**ORDER (ORAL)**

A.K Patnaik, Member (J):

Heard Ld. Counsel for both the parties.

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

"i) An order upon respondent no. 1, 2 and 3 may be passed to appoint the applicant's second son Sri Sriprasad Yadav to any suitable post on compassionate ground for her husband Sri Dineswar Prasad Yadav die-in-harness;

ii) An order upon respondent no. 1, 2 and 3 may be passed to reconsider the case of appointment of the applicant second son Sri Sriprasad Yadav in terms of the Govt. of India's instruction upon all minorities departments for providing appointment of the dependents of the deceased on compassionate ground for die-in-harness.

iii) Any other order/orders or direction/directions upon respondents as deemed fit and proper."

3. The case of the applicant, as reveals from the record, in short, is that applicant is the widow of Late Dineswar Prasad Yadav, Ex-Khalasi Helper/IOW/MDP. After the death of the husband of the applicant on 07.10.2003, the elder son applied for appointment on compassionate appointment, which was rejected on the ground of false and fabricated educational certificate submitted by him. The same was challenged before the Circuit Bench Ranchi of Patna Bench of the Tribunal in O.A.

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No. 158/2011, which was dismissed on 15.05.2013. Subsequently, the applicant applied for appointment on compassionate ground for her second son Sri Prashad Jadav on 15.07.2012 and that having been turned down by the Railway authorities vide order dated 07.10.2015, she has approached this Tribunal in this present O.A. seeking the aforesaid relief.

4. Mr. S.K.Das, Ld. Counsel for the Official Respondents, vehemently opposed the very maintainability of the O.A. on the ground of territorial jurisdiction by stating that applicant is the resident of Deoghar, Jharkhand and she had earlier approached the Circuit Bench Ranchi of Patna Bench of the Tribunal.

5. On perusal of the record, I find that the elder son of the applicant had filed O.A. No. 158/2011, which was dismissed on 15.05.2013 as under:

“.....It is also quite surprising to note that on one side the applicant is claiming that he failed in the matriculation examination, on the other hand there is a provisional certificate showing him pass in Intermediate Examination of Bihar Intermediate Education Council. Respondents have annexed supporting letters received from Bihar School Examination Board and Rajkiyakrit Shyama Prasad Mukherjee Uccha Vidyalaya, Madhupur, [Deoghar], Jharkhand which clearly established that one of the marks sheets was false and the applicant had failed in the matriculation examination. I am, therefore, inclined to accept the respondents' submission that the applicant tried to obtain appointment on compassionate grounds against a Group 'C' post by submitting false document. As such, in view of observation of CAT, Kolkata Bench in OA No. 607 f 2007, I am of the view that the applicant does not deserve any further consideration for appointment even against Group 'D' post..

11. The OA is, therefore, dismissed on the ground of limitation and on merit.”

Now the applicant has filed the present O.A. here before the Kolkata Bench perhaps to try her luck to get a favourable order from this Bench after her earlier O.A. being rejected by the Circuit Bench Ranchi of Patna Bench, which in my considered view cannot be permissible, although the Respondent authorities are

very much within Kolkata Bench jurisdiction and rule position says that a widow and retired person may file O.A. before any Bench as per his convenience where cause of action arose or where he/she resides, as for the same cause of action she had approached another Bench of the Tribunal. Furthermore, since the earlier O.A. was dismissed by the Circuit Bench Ranchi of Patna Bench, therefore, the files pertaining to the said O.A. must be available in the Patna Bench. Hence, I think that it will be proper for the applicant to move this application before the Patna Bench so that the reasons recorded by the Circuit Bench Ranchi of Patna Bench can be ascertained and matter can be decided in a fruitful manner. Accordingly, the O.A. is disposed of granting liberty to the applicant to move before Circuit Bench Ranchi or Patna Bench as per her suitability.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.
7. Copies of this order be handed over to the Ed. Counsel for the parties.

(A.K.Patnaik)  
Member(J)

RK/PS