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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 350/1016 of 2018
MMF 350/510/2018

1. Lakhi Debi, wife of Late Anup Lal
(Ex. Fitter, Gr-II, E. Rly. Pakur Station
under Howrah Division) aged about 48
years, Housewife.

2. Punam Kumari,
daughger of Late Anup Lal, (Ex. Fitter,
Gr-II, E. Rly, Pakur Station, under
Howrah Division) aged about 21 years,
unemployed, both are residing at Vill.
& P.O. Bara Durgapur, Taljhan,
Sahebganj, Jharkhand, Pin. 816116.

... Applicants

-Versus-

1. Union of India, through the General
Manager, Eastern Railway, Fairlie Place,
17, N.S. Road, Kolkata- 700 001.

2. The Divisional Railway Manager,
Eastern Railway, Howrah Division,
Howrah- 711101.

3. Senior Divisional Personnel Officer,
Eastern Railway, Howrah Division, Howrah-
711101.

... Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1016/2018
M.A/350/510/2018

Date of Order: 10.10.2018

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

For the Applicant(s): Mr.T.K. Biswas, Counsel

For the Respondent(s): Ms. C. Mukherjee, Counsel

ORDER (ORAL)

Mr. A.K Patnaik, Member (J):

The applicants have filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying for compassionate appointment in favour of applicant No.2, Punam Kumari. They have challenged the acts or omissions on the part of the respondents in not considering their case for compassionate appointment.

2. In this O.A., the applicants have prayed for the following reliefs:

"a) An order directing the respondents to give compassionate appointment in favour of the applicant No.2 on died in harness category;

b) An order directing the respondents to consider the representation dated 30.03.2017(Annexure A/8) within the specific period of time;

c) Leave may be granted to move this application jointly under section 4(5) of the CAT Procedure Rules, 1987;

d) Any such other order or orders as to this Hon'ble Tribunal may deem fit and proper."

3. The applicants have also filed M.A.No.350/510/2018 seeking permission for joint prosecution under Section . 4(5)(a) of the CAT(Procedure) Rules, 1987.

4. Heard ld. counsel for the applicants Mr. T.K. Biswas and Ms. C. Mukherjee, ld. counsel for the official respondents.

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The M.A. for joint prosecution is allowed.

5. So far as the O.A. is concerned, Mr. T.K. Biswas submitted that the applicant No.1 made a representation to the respondent authorities seeking compassionate appointment in favour of Punam Kumari, applicant No.2 in this O.A. on 30.03.2017(Annexure A/8), but that has not yet been considered by them till date. Mr. Biswas further submitted that the applicants would be satisfied if a direction is given to the Respondent No.1 or any other competent authority to consider and dispose of the representation of the applicant dated 30.03.2018(Annexure A/8) as per rules within a specific time frame.

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

7. Accordingly, the Respondent No. 1 i.e. the General Manager, Eastern Railway, Kolkata or any other competent authority is directed to consider and dispose of the representation of the applicant No.1 dated 30.03.2017 (Annexure A/8), if so pending for consideration, as per rules and regulations governing the field within a period of six weeks from the date of receipt of a copy of this order and communicate the result to the applicant forthwith by way of a well reasoned order. After such consideration, if the claim of the applicants is found to be genuine, then the respondent authorities shall grant compassionate appointment to applicant No.2 within a period of six months from the date of taking decision in the matter.

8. I have not gone into the merit 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.

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9. With the above observations and directions, the O.A is disposed of.

No costs.

10. A copy of this order along with paper book be transmitted to Respondent No. 1,2 & 3 by the Registry through speed post for which ld. counsel for the applicants undertakes to deposit the cost within one week. A free copy of this order be handed over to ld. counsel for the official respondents.

(A.K Patnaik)
Judicial Member

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