

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

LIBRARY

O.A. No. 350/00280/2019

In the matter of :-

An application Under Section 19 of the
A. T. Act, 1985;

- And -

In the matter of:-

1. Smt Lipika Majumder, wife of Late
Dipak Majumder, died in harness,
while working as TTE/Eastern
Railway under D.R.M Sealdah, aged
about 46 years, by occupation
housewife, residing at 64/5
Beleghata Main Road, Kolkata -
700010.
2. Sri Debojeet Majumder, son of Late
Dipak Majumder, aged about 22
years, by occupation unemployed,
residing at 64/5 Beleghata Main
Road, Kolkata - 700010.

Applicants

- Versus -

PL

1. Union of India, Service through the General Manager, Eastern Railway, 17, N. S. Road, Kolkata - 700001.
2. The Divisional Railway Manager, Eastern Railway, Sealdah Division, Sealdah, Kolkata - 700014.
3. The Senior Divisional Personnel Officer, Eastern Railway, Sealdah Division, Sealdah, Kolkata - 700014.
4. Smt. Kalpana Majumder, 1st wife of late Deepak Majumder, aged about years, residing at Lakshmikantapur, Gateswar - Mandirbazar, 24-Parganas, (South) West Bengal, Pin - 743336.

Respondents

Sal

- 3 -

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/280/2019
M.A.No. 158/2019

Date of Order: 04.03.2019

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

Lipika Mazumder & Anr. -vs- E. Rly.

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

For the Respondent(s): Mr. M.K.Bandyopadhyay, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. K.Sarkar, Ld. Counsel for the applicants, and Mr. M.K.Bandyopadhyay, Ld. Counsel appearing for the Official Respondents, in extenso. None appears on behalf of Private Respondent No.4.

2. M.A.No. 158/2019 filed by the applicants for jointly prosecuting this case is allowed and disposed of accordingly.
3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"a) To issue direction upon the respondents to grant appointment on compassionate ground forthwith;
b) To issue direction upon the respondents to produce all connected departmental records at the time of hearing;
c) and to pass such other order or further order or orders as to this Hon'ble Tribunal may deem fit and proper."

4. The case of the applicants as submitted by the Ld Counsel, in short, is that the husband of the applicant No. 1 and father of the applicant no. 2 while working as TTE/Eastern Railway died in harness on 06.04.2016. Thereafter, the applicant

W.A

No. 2 preferred a representation to the Railway authorities on 12.07.2017 (Annexure-A/3) before Respondent Nos. 1, 2 and 3, praying for appointment on **compassionate ground but the same has not been dealt with or disposed of nor did they pass any order on the said representation.** Ld. Counsel submits that as per the judgment of Hon'ble High Court of Jharkhand, dated 16.06.2017 (Annexure-A/4), children of second wife are entitled for compassionate appointment. He further submitted that grievance of the applicants may be redressed if the said authorities are directed to consider applicant's representation in the light of the order passed by the Hon'ble High Court of Jharkhand (Annexure-A/4) within a specific time frame.

5. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 1, 2 and 3 to consider the representation of applicant No.2 as at Annexure-A/3, if the same has been filed and is pending for consideration, keeping in mind the order passed by the Hon'ble High Court of Jharkhand as at Annexure-A/4 and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the grievance of the applicants is found to be genuine then expeditious steps be taken within a further period of six weeks to grant the benefit of compassionate appointment in favour of applicant No.2. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks.

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

W.L

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 1, 2 and 3, 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

