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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CALCUTTA BENCH

Nizam Place, Kolkata-700 020

ORIGINAL APPLICATION NO. 350/1230 OF 2018

In the matter of:

An application under Section 19 of
the Administrative Tribunal Act,
1985;

And

In the matter of:

Raj Kumar Roy;

.....Applicant

Versus

Union of India & ~~One~~ *Another*

.....Respondents

And

In the matter of :

Raj Kumar Roy, son of Late
Bechan Roy, aged about 29 years,
by occupation Unemployed Youth,
residing at Village Gangpur

Uttarpar, P.O. Joteram, Purba
District, Bardhaman, P.S. *Burdwan*

~~District Burdwan~~, PIN-713104.

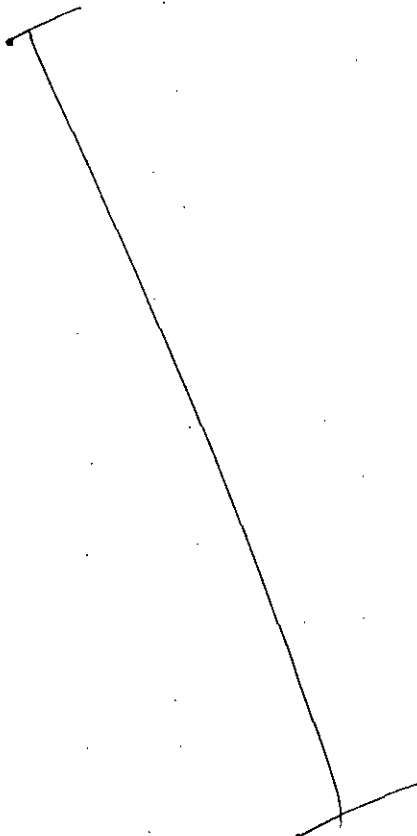
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.....Applicant

-Versus-

1. Union of India, service through the General Manager, Eastern Railway, 17, Netaji Subhas Road, Fairlie Place, Kolkata-700 001.
2. The Divisional Railway Manager, Eastern Railway, P.O. & P.S. Howrah, District Howrah, West Bengal, PIN-711101.

....Respondents



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1230/2018

Date of Order: 03.01.2019

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

RAJ KUMAR ROY -VS- EASTERN RAILWAY

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

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Sinha, Ld. Counsel for the applicant, and Mr. M.K.Bandyopadhyay, 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 direct the respondents their agents, men, superior successor in office to rescind, withdraw, cancel and/or set aside the impugned memo No. DCC/Comp/33161003 Howrah, dated 22-12-2017 passed by Sr. Divisional Officer, Howrah.

b) To direct the respondents to consider the application for compassionate appointment of the applicant filed by the application dated 22.03.2018 under the "died-in-harness" category in accordance with law forthwith.

c) To pass such other or further order or orders, direction or directions as this Hon'ble Tribunal may deem fit and proper.

d) That applicant is further praying for direction upon the respondent authorities to transmit all the relevant records and documents of the case so that conscionable justice may be done to your applicant."

3. Brief facts of the case as enumerated by the Ld. Counsel for the applicant is that the father of the applicant, Late Bechan Roy, was working as Technician-

III SSE/TRS/BWN under Eastern Railway, Howrah. He died on 14.3.2014 leaving behind the widow and two sons. It has been submitted that since applicant's father was the only earning member in the family, applicant made a prayer to the authorities for appointment on compassionate ground on 12.05.2016 but the same was not considered on the ground that the service of the applicant's father was terminated w.e.f. 10.07.2007. Submission of the Ld. Counsel for the applicant is that no notice was served upon applicant's father or to his family members for any explanation of unauthorized absence and also there was no departmental proceeding in this regard against his father. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred a representation on 22.03.2018 (Annexure-A/5) before Respondent No.2, which has not yet been considered. He further submitted that grievance of the applicant may be redressed if Respondent No.2 is directed to consider the said representation within a specific time frame.

4. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 2 to consider the representation of the applicant, if the same has been filed and is pending for consideration, 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 applicant is found to be entitled and eligible then expeditious steps be taken to give him appointment on compassionate ground within a further period of six weeks from the date of such consideration. I 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 a period of two weeks.



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

6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No.2, for which, he undertakes to deposit the cost with the Registry within a week.

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

(A.K.Patnaik)
Member(J)

RK/PS

