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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/211 of 2019

IN THE MATTER OF:

1. **SMT. CHANDA BAS**, aged about 50 years, *Mahato*, wife of Late Mahesh Mahato, who died in harness before retirement on 22<sup>nd</sup> March, 2010 being Ticket No. 2735 –P&D while he was working in 507 Army Base Workshop at Kankinara, 24-Parganas (North) and residing at Naya Basti, Jalkal Road, Post Office & Police Station- Barrackpore, District- 24-Parganas (South), Pin-700120;
2. **MR. RAJU MAHATO**, son of Late Mahesh Mahato, aged about 35 years, residing at Naya Basti, Jalkal Road, Post Office & Police Station- Barrackpore, District- 24-Parganas (South), Pin-700120;

...APPLICANTS

-VERSUS-

1. **UNION OF INDIA** service through the Secretary, Ministry of Defence, South Block, New Delhi- 110001.

*N. A.*

2. THE DIRECTOR GENERAL OF  
ELECTRONICS AND MECHANICAL  
ENGINEERING (CIVIL), MGO's Branch  
IHQ of MoD (Army), DHQ PO, New Delhi-  
110105.

3. THE COMMANDING OFFICER,  
Headquarters' Base Workshop, Group-  
EME, Meerut Cantonment-01, Pin- 250001.

4. THE COMMANDING OFFICER, 507 Army  
Base Workshop, Kankinara, P.O. ESD (M),  
24-Parganas (North), Pin-743126.

...Respondents.

WL

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/211/2019  
M.A/350/123/2019

Date of Order: 13.02.2019

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

Chanda Mahato & Another -vs- M/o Defence

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

For the Respondent(s): Ms. P. Goswami, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. P.C.Das, Ld. Counsel for the applicants, and Ms. P.Goswami, Ld Counsel appearing for the Official Respondents, in extenso.

2. M.A.No. 123/2019 filed for joint prosecution of 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) Leave may be granted to the applicants to file this application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

b) To quash and/or set aside the decision of the respondent authority in respect not recommending the case of the applicants for granting compassionate appointment despite the facts that the applicants fulfilled all the formalities as asked by the respondent authority and their conditions are so penurious that unless the appointment on compassionate ground is provided in favour of the applicant No.2, the entire family of the deceased employee will be starving seriously which cannot be compensated by anything.

c) To pass an appropriate order directing upon the respondent authority to recommend the case of the present applicants before appropriate respondent authority for granting appointment on compassionate ground so that the applicants can be protected from penurious and starving condition due to sudden demise of the sole bread-earner.

*V.A.L*

d) Costs.

e) Any other relief or reliefs as .....

4. The case of the applicants as submitted by Mr. P. C Das, Ld. Counsel for the applicants are that the applicant Nos. 1 and 2 are the wife and son respectively of Late Mahesh Mahato, ex-employee, who died in harness on 22<sup>nd</sup> March 2010. After the death of her husband, applicant No. 1 intimated the authorities and, after receipt of such information, the respondent authorities directed the appropriate department to process the case of the present applicants for providing employment assistance on compassionate ground in favour of the applicant no. 2 but the same was rejected. The applicant filed one O.A 1182/2012 which was disposed of with direction to reconsider the matter once again as and when the Board of Officers meets next. As per the letter dated 05.03.2018 (Annexure-A/9) issued by the Respondents, applicants were directed to submit some document for processing their case for providing employment assistance on compassionate grounds. Thereafter, vide order dated 13<sup>th</sup> July, 2018 (Annexure-A/10) the applicants were communicated that the case of the applicant no. 2 has been forwarded before the 507 Army Base Workshop, Kankinara. Ld. Counsel submitted that as per the score sheet, the name of the applicant no. 2 appeared at serial No. 1 and in the remarks column it has been stated that the case has not been recommended but no cogent and valid ground has been stated in the office letter dated 13<sup>th</sup> July, 2018.

5. Mr. Das, Ld. Counsel for the applicants, at the outset, submitted that the applicants' grievance may be satisfied if a direction is issued to Respondent Nos. 2, 3 and 4 to act upon their own letter under Annexure-A/9 dated 05.03.2018 and

W.L.

under Annexure-A/10 dated 13.07.2018 regarding issuance of order of appointment under compassionate appointment quota within a specific time frame.

6. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 2, 3 and 4 to act upon the letters under Annexure-A/9 and A/10 and complete the process within a period of six months from the date of receipt of copy of this order.

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

8. As prayed for by the Ld. Counsel for the applicants, copy of this order, along with paperbook be transmitted to Respondent Nos. 2, 3 and 4, by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

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

(A.K.Patnaik)  
Member(J)

RK/PS