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## BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BRANCH

O. A. No. 350/1538 OF 2018

-AND-

### In the matter of :

An application U/S 19 of the Central Administrative Tribunal Act-1985.

-AND-

### In the matter of:

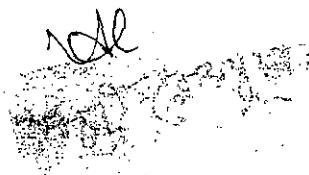
An application for the non consideration for appointment by the N.F.Railway under the compassionate ground of Chhotan Roy being Applicant No.1 and other benefits to the family of Late Uma Roy.

-AND-

### In the matter of:

- 1) Chotan Roy, S/O Late Uma Roy *agwabmt*
- 2) Basanti (Roy) Das, W/O Late Uma Roy;

Who was working as chowkidar, posted at *under* Chief Medical Superintendent, Alipurduar Junction, Railway Hospital, at Alipurduar Junction, who died in harness on 20-01-2006.

*nd*  


Residing at: Dakshin Majidkhana  
(Western Side), P.O. Majidkhana,  
Samuktala, Dist. Alipurduar-736208.

.....**Applicants**

**-VERSUS-**

1) Union of India

Service through the Secretary,  
Ministry of Railway, Government of  
India, Rail Bhavan, New Delhi-110001.

2) The General Manager,

N.F. Railway, Maligaon, Guahati-  
11, Assam

3) The Divisional Railway Manager.

North Frontier Railway, Alipurduar  
Division, Office at- Alipurduar  
Junction, P.O. & P.S. and Dist.  
Alipurduar, pin-736123.

4) The Divisional Personnel Officer.(P)

North Frontier Railway, Alipurduar  
Division, Office at- Alipurduar  
Junction, P.O. & P.S. and Dist.  
Alipurduar, pin-736123.

5) The Railway Hospital,

North Front Railway, Alipurduar at-  
Alipurduar Junction, P.O. & P.S. and  
Dist. Alipurduar. 736123



6) Sumitra Roy  
905 B  
at-<sup>A</sup> Shyamaprasad col-  
Junction, P.O. & P.S.  
Alipurduar. 736 123

7) Shivji Roy  
C/O S. Sengupta  
296/B, Officer Colony  
Alipurduar Junction, Pin-736123.

.....**Respondents**

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CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/1538/2018

Date of Order: 22.01.2019

M.A/350/765/2018

MA/350/764/2018

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

Chotan Roy & Another -vs- N.F Railway

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

For the Respondent(s): None

ORDER ( O RAL )

A.K Patnaik, Member (J):

Heard Mr. S. Adhikary, Ld. Counsel for the applicants.

2. M.A.No. 765/2018 filed for joint prosecution of this case is allowed and disposed of.

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

“ a) An order directing the respondent authority to issue compassionate appointment in favour of applicant no. 1 to any suitable post under the died in harness category at the earliest and to pay the terminal benefits of late Uma Roy to the Applicants as admissible under the law.

b) An order stating that the Respondent Authority to pay all arrears and due with 12 % interest to the applicants as the Respondent Authority are setting tight over the issue since the death of Late Uma Roy.

c) An order prohibiting respondent to issue any appointment under the died in harness category till applicant no. 1 is appointed and on the same.

d) An order or orders, direction or directions as the Hon'ble Tribunal may deem fit and proper.”

4. After hearing in extenso, Mr. Adhikary, Ld. Counsel for the applicants, prayed liberty of this Tribunal to ventilate applicants' grievance by making a

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comprehensive representation to Respondent Nos.2 and 3 within a period of two weeks.

5. After hearing Ld. Counsel for the applicant, without going into the merit of the matter, I dispose of this O.A. as well as M.As. granting liberty to the applicants to make a comprehensive representation, annexing relevant documents, if any, before Respondent Nos.2 and 3 within a period of two weeks from the date of receipt of copy of this order and in case any such representation is preferred within a period of two weeks from the date of receipt of copy of this order then Respondent Nos.2 and 3 are directed to consider all the points to be raised in the said representation as per rules and regulations in force and communicate the result to the applicants in a well reasoned order within a period of six weeks from the date of receipt of the said representation. Although, I have not expressed any opinion on the merit of the matter still then I make it clear that if after such consideration the grievance of the applicants is found to be genuine then expeditious steps be taken to grant the benefit of compassionate appointment in respect of applicant No.1 within a further period of six weeks from the date of such consideration.

6. With the aforesaid observation and direction, this O.A. as well as M.A. Nos. 764 and 765 of 2018 stand disposed of. No costs.

7. Copies of this order be handed over to the Ld. Counsel for the applicants. Applicants are granted liberty to annex a copy of this order, along with their representation to be preferred within two weeks.

(A.K.Patnaik)  
Member(J)