



CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
KOLKATA

No.O A /350/441/2016

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member  
Hon'ble Dr.(Ms) Nandita Chatterjee, Administrative Member

1. Bachi Debi Rajak  
Wife of Late Sankar Rajak  
(Jr. Tech Department, B/F, Employee,  
Durgapur Steel Plant),  
Aged about 51 years,  
House wife,  
Residing at Jhupri Power House,  
Tagore Avenue, Durgapur-4,  
District – Burdwan.
2. Manoj Kumar Rajak  
Son of Late Sankar Rajak  
(Jr. Tech Department, B/F, Employee,  
Durgapur Steel Plant),  
Aged about 23 years, Unemployed,  
Residing at Jhupri Power House,  
Tagore Avenue, Durgapur-4,  
District – Burdwan.

.... Applicants.

Versus

1. Union of India,  
Service through the Secretary,  
Department of Steel, Ispat Bhawan,  
Lodhi Road,  
New Delhi – 110001.
2. The Steel Authority of India Limited,  
Durgapur Steel Plant,  
Having office at Durgapur-3,  
District – Burdwan.
3. Managing Director,  
Durgapur Steel Plant,  
Having office at Durgapur-3,  
District – Burdwan.
4. General Manager,  
Personnel Administration,

Durgapur Steel Plant,  
Having office at Durgapur-3,  
District – Burdwan.

..... Respondents.

For the applicant : Mr. T.K. Biswas, counsel

For the respondents : Mrs. R. Basu, counsel

Heard on : 12.09.2018

Order on : 16.11.18

ORDER

Bidisha Banerjee, Judicial Member

The applicant No.1 is the widow of Late Sankar Rajak who died in harness while working as Junior Technician at Durgapur Steel Plant and applicant No.2 is their son. They have jointly preferred this application seeking the following reliefs:-

"8.(a) An order do issue by directing the respondents Steel Authorities to give employment to any suitable employment to applicant no. 2 on compassionate ground under died-in-harness category.

(b) Leave may be granted to file this application jointly under Rule 4(5)(a) the CAT Rules 1987.

(c) Any other appropriate order or orders, direction or directions as the Learned Tribunal may deem fit and proper and to protect the right of the applicants."

2. The respondents have vehemently opposed the claim on the ground that after the death of her husband, the applicant No.1 approached the authorities for the first time on 28.04.2011 seeking employment on compassionate ground. Along with the said application she enclosed photocopy of the documents like death certificate, identity card of her late husband, her school leaving certificate and the letter issued by the Manager(Pers.), C S, DSP, but failed to enclose any

struck off/separation order of her late husband, in absence whereof, it was not possible to ascertain whether the employee died within his service period. The respondents have also indicated that as an one time approval, old backlog cases prior to 01.01.2011 were cleared when the upper age limit of a dependant candidate was allowed upto 45 years for consideration for appointment on compassionate ground.

3. From the documents available, it is evident that the applicant, Smt. Rajak has clearly exceeded the age limit. Further, the applicants have approached this Tribunal after a lapse of about 19 years without filing any application for condonation of delay. However, the respondents are conspicuous by the silence in regard to consideration of applicant No.2 who is the son of the Government employee and was a minor when the employee passed away. The applicants have also failed to show that they approached the authorities prior to 2011.

4. Nevertheless, in view of the fact that the respondents themselves cleared back log cases pending as on 01.01.2011, the O.A. is disposed of with a direction upon the respondent authorities to consider the claim of the Applicant No.2 in accordance with the Rules on the subject and pass appropriate reasoned and speaking order within 8 weeks from the date of receipt of this order in view of the fact that the applicants have pleaded that the son of the deceased (Applicant No.2) was minor when his father passed away and was never considered as such for the benefit.

5. Accordingly the O.A. stands disposed of. No costs.

(Dr. Nandita Chatterjee)  
Administrative Member  
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(Bidisha Banerjee)  
Judicial Member