



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA. 350/678/2016

Date of Order: 30.01.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

Shri Krisan Ho, son of late Sringeri Ho, aged about 42 years, residing at Near Durga Mandir, Chota Ayma, Ward No. 32, Kharagpur- 721 304.

.....Applicant.

-versus-

1. Union of India, through the General Manager, South Eastern Railway, Garden Reach, Kolkata-700043.
2. The Chief Personnel Officer, S.E. Railway, Garden Reach, Kolkata- 700043.
3. The Divisional Railway Manager, South Eastern Railway, Kharagpur- 721301.
4. The Sr. Divisional Personnel Officer-I, South Eastern Railway, Kharagpur- 721301.

.....Respondents.

For the Applicant : Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel

For the Respondents : Ms. Gargi Roy, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard both.

2. It transpires from the records that on being referred to by the DRM on 23.03.2010, the D.I. had issued a certificate on 19.05.2010 certifying certificate no. 721 dated 08.04.2010 as a genuine one, yet on 05.10.2012 the DRM rejected the case without any rhyme or reason, and thus arbitrarily as he "did not find any merit of the case for further consideration".

3. Since the reason for rejection was not explicit in the order dated 05.10.2012 and repeated representations to the authorities have failed to elicit response, the applicant preferred OA. 1068/15. It was disposed of vide order dated 18.01.2016 with liberty to the applicant "to seek consideration on the basis of fresh certificate issued on

20.09.2010 as contained in Annexure A-5 to the OA and OA, with a direction to the respondent authorities to issue a reasoned and speaking order within a period of 2 months from the date of making such representation".

4. On 07.04.2016, as evident from Annexure A-14 to the OA, the matter was once again rejected by the Sr. Divl. Personnel Officer, S.E. Railway/Kharagpur on the ground that "a fake school certificate was used to secure employment assistance on compassionate ground due to which it was regretted earlier by the Competent Authority and once again put up before the DRM who did not found any merit in the case for further consideration". Therefore, apparently the respondents' authorities refused to exercise their jurisdiction to consider the case on the basis of the changed scenario and circumstances after the D.I. certified the certificate dated 08.04.2010 as true and a genuine one.

5. Ld. Counsel for respondents at hearing would produce the letter of Dy. Chief Personnel Officer (Rectt.) for Chief Personnel Officer, dated 19.04.2010, which says that while seeking employment assistance, no fake certificate should be produced and if detected an FIR would be lodged against the erring compassionate appointment seekers, but such certificate hardly lends any support to the respondents, in view of the fact that the D.I. had himself certified a certificate to be true and genuine, the respondents' authorities who were bound to consider have failed to act upon such certificate.

6. In the aforesaid backdrop, the present OA is disposed of by quashing the order dated 07.04.2016 and remanding back the matter to the respondents' authorities to act in terms of the certificates dated 19.05.2010 and 08.04.2010, as contained in Annexure A-5 to the OA, and issue a reasoned and speaking order within a period of 2 months on the applicants grievance.

7. In the event nothing stands in the way, the respondents shall grant appropriate benefits in the form of employment assistance on compassionate ground.

8. OA would stand disposed of accordingly. No costs.

(Bidisha Banerjee)
Member (J)