

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. OA 350/00147/2016

Date of order : 26.4.2016

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

AMAR KRISHNA CHAKRABORTY

VS

UNION OF INDIA & ORS.

For the applicants : Mr.G.C.Ghosh, counsel
Mr.D.Banerjee, counsel

For the respondents : Mr.P.Mukherjee, counsel

O R D E R (ORAL)

This matter is taken up in the Single Bench in terms of Appendix VIII of Rule 154 of CAT Rules of Practice, as no complicated question of law is involved, and with the consent of both sides.

2. Heard Id. Counsels for the parties and perused the materials on record.

3. Unfortunately it is case of 1999 which could have been remanded back to the respondent authorities for consideration in terms of the rules prevailing on the date of death. Ld. Counsel for the respondents submits that they have decided to place the matter once again before the CRC that is likely to meet next.

4. Ld. Counsel for the applicant vociferously argued that the consideration ought to have been made in terms of 1998 scheme that was operating in the field as on the date of death, in view of the latest decision of Hon'ble Apex Court in **Canara Bank & Anr. v. M. Mahesh Kumar [AIR 2015 SC 2411]** and that after a considerable delay and institution of three OAs in the meantime, the financial condition of the family was adjudged only in 2011 i.e. after 12 years of the date of death.

5. Be that as it may since the orders passed by the Tribunal in between, in three different OAs directing consideration "as per rules" are staring at us, no consideration could be granted on the basis of schemes prevalent as on the

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date of death. Therefore the OA is disposed of with a direction upon the respondents to furnish the comparative assessment chart prepared by the department to consider the case of the present applicant within one month from the date of receipt of the copy of this order. In case the applicant feels aggrieved in regard to allotment of marks under various attributes of the scheme, he shall point out the same within 15 days thereof by way of a representation to the authorities and in case the points have to be revised the same shall be done within one month thereafter and accordingly the applicant's case shall be considered for grant of compassionate appointment, if found otherwise eligible and would meet the merit points for consideration.

6. As assured by the Id. Counsel for the respondents the case shall be placed before the next CRC irrespective of the fact whether points are revised or not.

8. The OA is accordingly disposed of. No order is passed as to costs.

(BIDISHA BANERJEE)
MEMBER (J)

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