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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, CALCUTTA.

O.A. NO: 350/1096 of 2016.

PARTICULARS OF THE APPLICANT:-

Sri Biplab Saha, son of Late Balai Chandra Saha, resident at 28, Mahendra Mukherjee Road, P.O.- Berhampore, District- Murshidabad, Pin-742101.

... Applicant.

-VERSUS-

1. Union of India, Service through the Secretary, Ministry of Finance,

W. N. R. N. Block, New Delhi - 110001

2. The Chief Commissioner, Central Excise and Customs, Government of India, 15/1, Strand Road, Kolkata- 700001.

3. Office of the Commissioner of Central Excise and Service Tax, Government of India, Bolpur Establishment Branch, Nanoor,



Chandidas Road, Sian, District-
M Birbhum, Pin-731215

4. Assistant Commissioner

(Personnel & Establishment),

Central Excise, Kolkata-I,

Commissionerate, Kendriya Utpad

Shulk Bhavan, 1st Floor, 180,

Shanti Pally, Rajdanga Main Road,

Kolkata-700107.

5. Assistant Commissioner, Central

Excise, Berhampore Division,

26/23, Sahid Surya Sen Road,

Berhampore, District- Murshidabad,

Pin-742101.

6. Deputy Commissioner, Central

Excise & Service Tax, Berhampore

Division, 26/23, Sahid Surya Sen

Road, Berhampore, District-

Murshidabad, Pin-742101.

.... Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1096/2016

Date of Order: 24.09.2019

Coram: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Mr. N. Neihsial, Administrative Member

Biplab Saha

---Applicant

Versus

Union of India & Ors. ---Respondents

For the Applicant(s): Mr. C.Sinha, Mr. R.Chakraborty, Counsel

For the Respondent(s): None

ORDER (ORAL)

Per: Mrs. Manjula Das, Judicial Member:

1. Heard Mr. C.Sinha, Ld. Counsel, along with Mr. R.Chakraborty, Ld. Counsel for the applicant.

2. None appeared on behalf of the respondents. However, this is an old matter of 2016 that too relating for compassionate appointment where the matter is pending since long. In view of that, we are not inclined to adjourn the matter. Further, the Central Administrative Tribunal is established for speedy justice but in this case about four years have elapsed. Accordingly, we are proceeding in the matter.

3. This O.A. has been filed against the order dated 27.04.2016 passed by the respondent authorities, by which, the prayer for the applicant for compassionate appointment has been rejected on the ground that the family has survived for more than 14 years and the family is not in penury. Accordingly, it is opined that the case is not fit for compassionate appointment.

4. On the other hand, Ld. Counsel for the applicant, during hearing, brought before us the O.M., F.No. 14014/3/2011-Estt.(D) dated 26.07.2012, and submitted that in view of the O.M. of the Nodal Ministry, i.e. DOP&T, there is no such specific time period for consideration of the compassionate appointment case and that the limitation of 3 years as given in O.M. dated 05.05.2003 has already been withdrawn and the O.M. is no more in existence.

5. Accordingly, the O.A. is disposed of with direction to the respondent authorities to place the matter before the next Circle Relaxation Committee/Departmental Screening Committee meeting and consider the case of the applicant accordingly. There shall be no order as to costs.

(N. Neihsial)
Member (A)

(Manjula Das)
Member (J)

RK