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## CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH KOLKATA

O.A.No.350/00294/2014

Date of Order : 05-01-2016

Present : Hon'ble Mr Justice G. Rajasuria, Judicial Member  
Hon'ble Ms Jaya Das Gupta, Administrative Member

Smt Sombari Munday & Anr. ....Applicant

-Versus-

Union of India & Ors. (S.E.Rly.)

.....Respondents

For the applicants : Mr D. K. Mukhopadhyay, Counsel  
For the respondents : Mr A. K. Dutta, Counsel

### ORDER (ORAL)

JUSTICE G.RAJASURIA, JM,

Heard both. This O.A has been filed seeking the following reliefs :

- a) An order quashing and/or setting aside the purported decision of the respondent authorities, specially respondent No.4 communicated vide letter dated 09.02.2011 (Annexure A/6) rejecting the prayer of the applicant No.1.
- b) An order quashing and/or setting aside the purported decision of the respondent authorities, specially respondent No.4 communicated vide letter dated 01.07.2013 (Annexure A/7) rejecting the prayer of the Applicant No.1.
- c) An order directing the respondent authorities to extend and/or grant employment assistance on Compassionate grounds in favour of the applicant No.2 without implicating his case to that of his elder brother, Gorsingh Munday upon considering his case on its own merit, within a time frame.
- d) Leave may be granted to file this application jointly under Rule 4(5)(a) of CAT Procedure Rules 1987.
- e) And to pass such further order or orders, direction or directions as to your Lordships may deem fit and proper.

2. The matter was earlier decided by the Hon'ble Administrative Member sitting singly, and vide the order dated 31.07.2015 passed by the Hon'ble Calcutta High Court, the earlier order dated 30.01.2015 was set aside on the ground that the Hon'ble Administrative Member of the Central Administrative Tribunal was not empowered to decide cases sitting singly, and the O.A was remanded to the Tribunal for hearing afresh. Now the learned counsel for the applicant would submit that the candidature of the applicant was rejected on the sole ground that his elder brother's candidature was



rejected in view of he having submitted forged educational qualification certificate and on the same ground the present applicant's candidature cannot be rejected.

3. Learned counsel for the respondents would vociferously and vehemently oppose the prayer on the ground that there are catena of Hon'ble Apex Court's judgments that after long lapse of time prayer for compassionate appointment would not arise at all.

4. The short point for consideration is as to whether the Railway administration was justified in rejecting the candidature of the applicant on the ground that his elder brother produced fabricated certificate and that his candidature was rejected.

5. He also relied upon the following decision of the Hon'ble Calcutta High Court in WPCT No. 249 of 2013. We would like to fumigate our mind with the decision of the Hon'ble High Court of Calcutta in the case of Smt Sushila Bauri & Anr. Vs. Union of India and others in WPCT No.249/2013 dated 04.07.2013 and as per which it is no more res integra that the candidature of the person cannot be rejected merely because the applicant's brother produced earlier the fake educational certificate. Hence in these circumstances we would like to issue the following direction.

5. Accordingly, we would like to hold that the rejection of the candidature of the applicant on the ground that his elder brother produced a fake certificate would not be a ground for rejecting the candidature of the applicant. However, we make it clear that the Railway administration is at liberty to place reliance on any other ground which might be valid as against the claim for compassionate appointment and as such the case of the applicant shall be considered as per rules and regulations.

O.A is disposed of. No costs.

(Jaya Das Gupta)\\  
Member (Admn)

(Justice G.Rajasuria)  
Member (Judl.)