

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

**LIBRARY**

No. O.A. 350/01318/2015

Date of order: 11.9.2015

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

Hara Bouri,  
Son of Late Arjoon Bouri,  
Aged about 44 years,  
By Occupation - Unemployed,  
Residing at School Para,  
Gangutia, Kulti,  
Burdwan, Pin - 713333.

.. Applicant.

- V E R S U S -

1. Union of India,  
Service through the General Manager,  
Eastern Railway,  
17, N.S. Road, Fairlie Place,  
Kolkata - 700 001.
2. The Divisional Railway Manager,  
Eastern Railway, Asansol,  
Pin - 713301.
3. The Sr. Divisional Personnel  
Officer,  
Eastern Railway, Asansol,  
Pin - 713301.

.. Respondents

For the Applicant : Mr. B. Chatterjee, Counsel

For the Respondents : Ms. Gopa Roy, Counsel

O R D E R (Oral)



Per Mr. G. Rajasuria, Judicial Member:

Heard Ld. Counsel for the parties.

2. This O.A. has been filed seeking the following reliefs:-

"(a) To quash and set aside the impugned speaking order dated 21.5.2015 issued by the Sr. APO, Asansol;

(b) An order do issue directing the respondents to give appointment on compassionate ground to the applicant under died in harness category;

(c) Any other order or orders be passed as Your Lordship may deem fit and proper."

3. The Ld. Counsel for the applicant would submit that his candidature was rejected on the sole ground that he could not prove his heirship to the deceased employee, namely, Arjoon Bouri. Ld. Counsel for the applicant would submit that Annexure A-4 would reveal that the applicant happened to be the last child of the deceased and his name was found recorded in the Railway Medical Attendance Index Card No. 490127. However, the respondent authorities in the speaking order at Annexure A-7 would dispute it. As such, an enquiry has to be conducted in his presence so that he would be able to prove his identity by producing the election identity card, the ration card etc.

4. Whereas Ld. Counsel for the respondents would submit that the speaking order is self-explanatory and the lady who is getting now the family pension did not specify the applicant as her son



at that time when she applied for family pension. The officer of the Railway made enquiry and culled out the true facts that the applicant is not the son of the deceased. Accordingly, the respondents would pray for the dismissal of the O.A. Hence, in this factual matrix we are of the opinion that another opportunity should be given to the applicant to prove his heirship to the deceased employee by placing the voter card, the ration card and any other document in this regard, and he is also enjoined to file Notary attested affidavit of the lady who is getting family pension to prove his heirship. The Railway authority should in his presence conduct enquiry and come to a conclusion.

5. As such, liberty is given to the petitioner to file a fresh representation within one month from the date of receipt of a copy of this order and the respondents shall enquire into the matter as aforesaid in presence of the applicant, within a period of three months thereafter uninfluenced by any of the observations made in this order and communicate the decision to the applicant accordingly.

6. Ordered accordingly.

(Jaya Das Gupta)  
MEMBER(A)

(G. Rajasuria)  
MEMBER(J)

SP