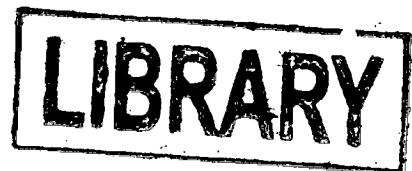


CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/00747/2014

Date of order : 1.2.2016

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

MRITYUNJOY KR. DAS

VS

UNION OF INDIA & ORS. (E.RLY.)

For the applicant : Mr.A.Sinha, counsel
For the respondents : Ms.G.Roy, counsel

O R D E R

Ms.Bidisha Banerjee, A.M.

Heard the ld. counsels for the parties.

2. One Sudhir Ch. Das a Railway employee who served as R.R. Bearer at Laxmikantpur, Sealdah Division of Eastern Railway died while in service on 11.12.12. He was survived by his widow Namita Das, three sons namely Bijoy Das, Mrityunjoy Das and Sanjoy Das and a married daughter. The widow Namita Das sought for employment assistance on compassionate ground in favour of the youngest son Sri Sanjoy Das and Bijay Das the eldest son gave his 'No objection' to such consideration. Admittedly the case is under process.
3. The present applicant being the second son of the deceased employee has sought for a consideration in his favour on the ground that he is a Graduate and unemployed and looking after the family after the death of his father and in the event he was offered appointment he would maintain the family and younger brother. Such application was preferred on 4.3.14 before the Railway authorities. However, the applicant was not made in proper format and the ld. counsel appearing for the respondents submitted at the Bar that the case of Sanjay Das ^{for} ~~is~~ being considered ~~and~~ ^{is} and is under process since the mother nominated the said son to be considered as such.

4. Ld. counsel invited our attention to the Railway Board's order circulated vide RBE 3/09 which stipulates that Board has delegated powers to DRMs/CWMs/HODs to consider compassionate appointment in favour of widow/widower or any ward of her/his choice in respect of cases up to 20 years old from the date of death of the Railway employee.

5. In view of the above ld. counsel submitted that it is for the widow to indicate her choice in favour of her ward to be considered for compassionate appointment. Since the widow has favoured her youngest son the claim of the second son is not tenable.

6. Ld. counsel for the applicant failed to show any provision that would indicate that the youngest son was to be considered only when the elder ones refused.

7. In view of the aforesaid factual position we are of the considered opinion that the claim of the present applicant is not tenable and as such the OA is dismissed.

8. No order is passed as to costs.

(JAYATI CHANDRA)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

in: