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CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BENCH

No. OA 350/00907/2014

Date of order : 9.9.2015

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

GUL MOHAMMAD

VS

UNION OF INDIA & ORS.

For the applicant : Mr.M.Ibrahim, counsel

For the respondents : Mr.S.K.Das, counsel

O R D E R (ORAL)

Heard both the ld. Counsels. 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. It is noticed that the prayer of the applicant for employment of the ward/legal heir of those killed in train accident involving train No. 3404 (Vananchal Express) & 3148 (Uttar Banga Express) at Sindhia on 18/19.7.2010 was rejected on 6.2.14 by the Sr. DPO on the ground that the case cannot be processed as the deceased was a housewife and her son was not dependent on her.

Thereafter the applicant by a representation/demand of justice dated 24.3.14 referred to a Railway Board's order dated 5.8.10 and claimed for benefit in terms of the order which has not been considered by the authorities till date.

3. The authorities are yet to take a decision in regard to the applicability of the said claim. The applicant also seems to be seeking parity with one Md. Rafiq in whose case the Railway Claims Tribunal granted the benefit of compensation of Rs.4 lakhs apart from ex-gratia lump sum of Rs.5 lakhs. Since the claim of the applicant is to be decided by the authorities in accordance with law no fruitful purpose will be served by asking for a reply.

4. Accordingly the OA is disposed of with a direction upon the respondent authorities to consider the case of the applicant in accordance with law and Railway Boards order cited in his letter dated 24.3.15 and pass a reasoned and speaking order within two months from the date of communication of this order.
5. I have not gone into the merits of the case.
6. All points are kept open for consideration by the respondent authorities.
7. The OA is accordingly disposed of. No order is passed as to costs.

Bidisha Banerjee
(BIDISHA BANERJEE)
MEMBER (A)

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