

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A. 350/00863/ 2019
MA 466/2019

Order dated: 24.07.2019

**Coram : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

Arati Halder,
Wife of Late Hiralal Halder (Ex Approved Substitute
under the chief Yard Master, Chitpur, Sealdah Division,
Eastern Railway), aged about 45 years, residing at Vill.
Srikhanda, P.O. Panchpota, Dist. 24-Pgs. (S), P.S.
Sonarpur, Pin-700152.

2. Smt. Puja Biswas (nee Halder), daughter of Late Hiralal
Halder, wife of Sajal Biswas, unemployed youth; residing
at Vill. Srikhanda, P.O. Panchpota, Dist. 24-Pgs. (S), P.S.
Sonarpur, Pin-700152.

..... Applicants.

Versus

1. The Union of India,
through the General Manager,
Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.

2. The Divisional Railway Manager,
Sealdah Division, Eastern Railway,
Sealdah, Kolkata – 700 014.

3. The Senior Divisional Personnel Officer,
Sealdah Division, Eastern Railway,
Sealdah, Kolkata – 700 014.

..... Respondents.

For the applicant : Ms. A.Sarkar, Counsel

For the respondents. : Mr. S.K.Tiwari, Counsel

hah

ORDER (ORAL)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal praying for the following relief:

"i) to direct the respondents to grant appointment on compassionate ground to the daughter (applicant no.2) of the applicant consequent upon the death in harness of her husband, namely, Late Hiralal Halder (Ex-Approved Substitute, Office of the Chief Yard Master, Chitpur, Sealdah Divn., Eastern Rly.) forthwith;

ii) to direct the respondents to extend the benefit of appointment on compassionate ground to the daughter of the applicant no.2 in terms of the Circular being RBE No. 256/86 dated 31.12.1986 as contained in Annexure "A-4" herein;

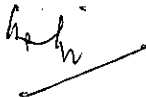
iii) to direct the respondents to deal with and/or dispose of the representation of the applicant No.1 dated 18.03.2019 as contained in Annexure "A-3" herein;

iv) to direct the respondents to produce the records of the case before this Hon'ble Tribunal for adjudication of the issues involved herein;

v) And to pass such further or other orders....."

2. Heard both Ld. Counsel, examined documents on record. Matter is taken up at the admission stage.

3. An M.A. bearing No. 466/2019, arising out of O.A. 863/2019, has been filed praying for joint prosecution of the matter by the widow and daughter of the deceased employee. Having been satisfied that they are pursuing a common cause of action and share common interest, the M.A. is allowed U/R 4(5)(a) of CAT Procedure Rules, 1987 and is disposed of accordingly.



4. The submissions of the applicants, as canvassed through their Ld. Counsel, are that the husband of applicant No.1, ex-Approved Substitute with the Respondent authorities, died in harness on 01.05.2015. The applicant had earlier moved the Tribunal in O.A. Nos. 1890/2015 and 359/2017 but, on 20.02.2017, the Respondent authorities rejected the prayer of the applicant despite the Tribunal's direction to consider her prayer for compassionate appointment.

Thereafter, the applicant No.1 has preferred a representation dated 18.03.2019 controverting such rejection, and, has prayed for a direction on the Respondent authorities to consider the same in a time bound manner.

5. Ld. Counsel for the Respondents does not object to disposal of such representation in accordance with law.

6. Accordingly, with the consent of the parties, and, without entering into merits of the matter, we hereby direct Respondent No.2, who is the Divisional Railway Manager, Sealdah Division, Eastern Railway, to examine the contents of the representation dated 18.03.2019 (Annexure-A/3 to this O.A.) and to dispose of the same in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The decision is to be conveyed in the form of a reasoned and speaking order to the applicant forthwith thereafter.

7. With these directions, the O.A. is disposed of. There will be no orders as to costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

RK