

## IN THE CENTRAL ADMINISTRATION TRIBUNAL

KOLKATA BENCH

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985.

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O.A. No. 350/625 of 2019.

M.A. No. 350/349/2019

1. FIR DOUSI BEGAM, Wife of Late  
Syed. Md. Eclas, by faith-Muslim,  
by occupation - widow, residing at:-  
Vill. & Post:- Akin, Kajipara,  
P.S.:- Chanditala, Dist.: Hooghly,  
Pin no.:- 712 701.

2. SYED SADEK ALI, Son of Late  
Syed Md. Eclas, by faith-Muslim,  
by occupation - Unemployed Youth,  
residing at:- Vill. & Post:- Akni,  
Kajipara, P.S.:- Chanditala, Dist.:-  
Hooghly, Pin no.:- 712 701.

..... Applicants.

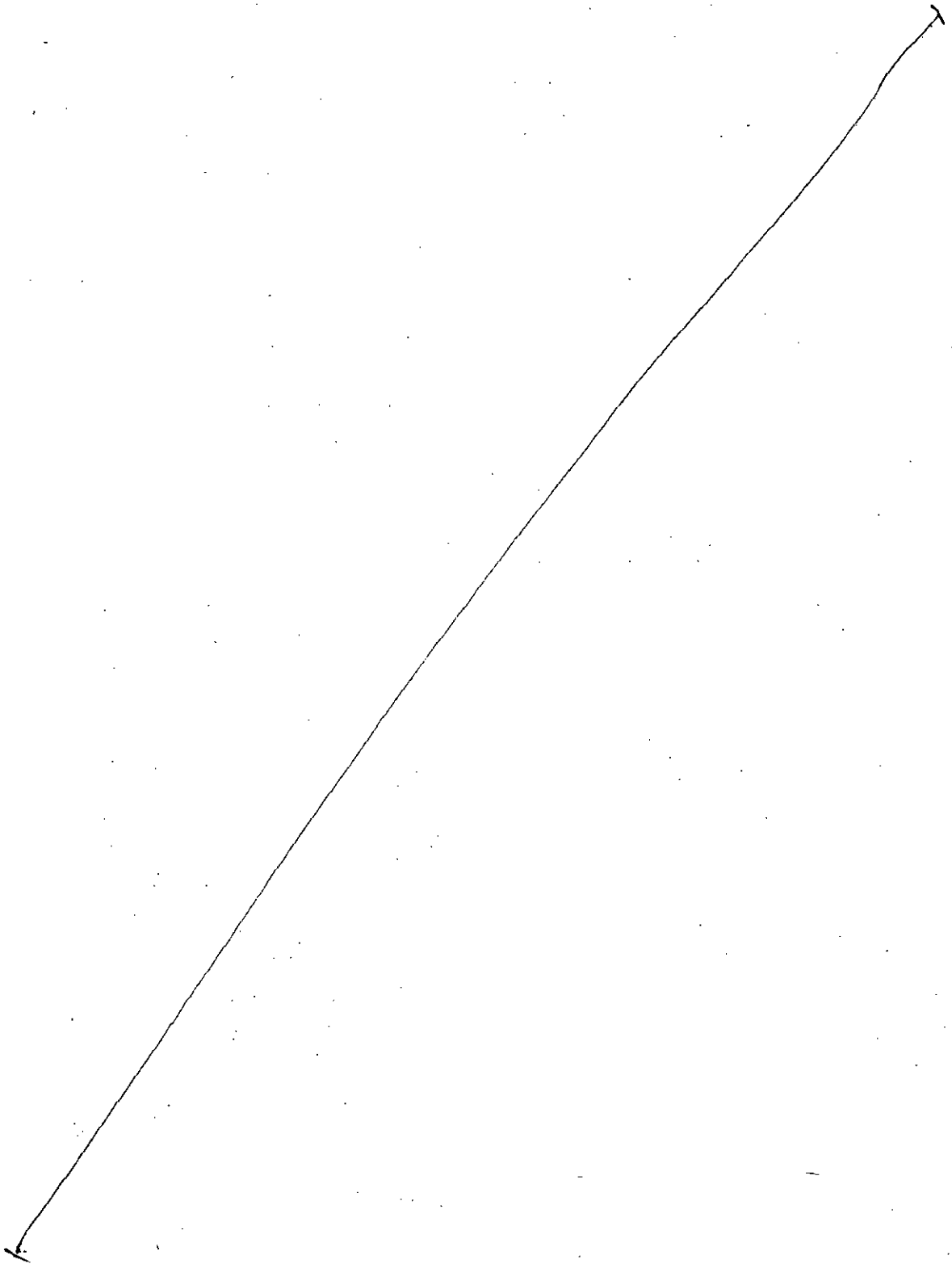
- Versus -

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

2. The Principal Chief Personnel Officer,  
Eastern Railway, Fairlie Place,  
Kolkata - 700 001.

3. The Divisional Railway Manager,  
Eastern Railway, Sealdah Division,  
Sealdah, Kolkata - 700 014.

..... Respondents.



CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
KOLKATA

O.A/350/625/2019  
M.A./350/349/2019

Date of Order: 24/06/2019

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

**FIR DOUSI BEGUM & ANOTHER  
VS.**

**UNION OF INDIA & OTHERS  
(EASTERN RAILWAY)**

For the applicant : Mr. N. Roy, counsel  
For the respondents : Mr. P. Bajpayee, counsel

**ORDER**

**Bidisha Banerjee, Member (J):**

The M.A.350/349/2019 has been filed to seek joint prosecution, which is allowed.

2. The O.A. has been preferred to seek the following reliefs:-

*"a) To issue direction upon the respondents to consider the representation for appointment under land loser scheme/category of the applicant no.2 forthwith;*

*b) To issue further direction upon the respondents to give appointment under land loser category forthwith;*

*c) Any other order or further order or orders as the Learned Tribunal deem fit and proper under the circumstances of the case;*

*d) To produce connected departmental record at the time of hearing;*

*e) LEAVE may be granted to file this joint application under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987."*

3. Ld. counsels were heard and materials on record were perused.

4. The applicants have stated that they are aggrieved due to the fact that a representation preferred on 07.07.2018 by Firdausi Begum

to the Divisional Railway Manager, Eastern Railway, Sealdah, seeking appointment of her son Syed Sadek Ali, the applicant No.2 herein, is pending disposal before the said authority. She has stated that her elder son sought for consideration but since his school certificate was found to be fake, his candidature was rejected. The applicant has drawn our attention to Annexure A/4 dated 12.02.2016 which reads as under:-

*"No : E/SC/Land Loser/Apptt./SDAH(Loose) Sealdah, the 12.02.2016*

*Syed Md. Abdul Farah,  
S/o Syed Md. Eklas,  
Vill. & P.O.- Akuni(Kazi Pada)  
Dist.-Hooghly  
Pin-712701*

*Sub : Appointment of Land loser - Dankuni Furfurasharif  
Special Railway Project - in f/o. Syed Md. Abdul Farah,  
S/o Syed Md. Eklas.*

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As decided by the Competent Authority, the candidature for appointment on land acquisition ground has been cancelled as the Educational Qualification of Villth passed from Beldubi High School, Vill. Beldubi Dist.-Howrah is not genuine & found fake upon verification from School Authority.*

*(U. Lahiri)  
Sr. Divl. Personnel Officer/SDAH  
f. Divl. Railway Manager/Sealdah"*

5. The applicant firmly believes that in terms of Hon'ble Supreme Court's decision in **Smt. Sushila Bauri & Another. vs. Union of India & Others** in W.P.C.T. No. 249 of 2013 she would be entitled to claim a consideration in favour of her second son, the applicant No.2 herein. An excerpt of the judgment would run thus:-

".....Therefore, the humanitarian consideration to grant employment on compassionate ground to a member of the deceased family cannot be ignored by the respondent authorities.

*Considering the conduct of the elder brother of the petitioner No. 2, respondent authorities may refuse to grant any employment to the elder brother but the other member of the family of the deceased employee namely, the petitioner no. 2 herein cannot be penalized on the ground that his elder brother submitted invalid and improper documents in support of his claim for employment.*

*The respondent authorities herein sought to punish the other members of the deceased family including the petitioner No. 2 by refusing to grant employment on compassionate ground to the said petitioner No. 2 upon considering the conduct of the elder-brother of the petitioner No. 2 herein. This is a misplaced punishment on an unerring person for the wrong committed by somebody else in which he had no role to play.*

A cursory glance at the decision would reveal that in the said matter the Hon'ble High Court directed the authorities to consider another child of the deceased employee for employment assistance ignoring the fact that on earlier occasion the elder son's case was rejected on the ground of submission of fake certificate.

6. Ld. counsel for the applicant would submit that he would be satisfied if a direction is given upon the concerned respondent authority to consider the pending representation in a time bound manner in the light of the decision of the Hon'ble Supreme Court.

7. Since ld. counsel for the respondents agrees to such disposal, we dispose of the present O.A. with a direction upon the Senior Divisional Railway Manager or any other competent authority to consider the prayer of the widow mother in the light of the decision of the Hon'ble High Court extracted supra and pass appropriate order within 3 months. While doing so, the said respondent shall pass his order untrammelled by the observation made <sup>by him</sup> ~~in regard~~ to the Senior Divisional Personnel Officer in the case of Syed Md. Abdul Farah as contained in Annexure A/4 to the O.A.

OA 628/2019. L

8. Accordingly the O.A. is disposed of. No cost.

(Dr. Nandita Chatterjee)  
Member (A)

(Bidisha Banerjee)  
Member (J)

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