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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.1630/2001

New Delhi, this the 20th day of July, 2001

HON'BLE MR. V.K. MAJOTRA, MEMBER (A)

Shri Ram Chand  
S/o Late Shri Kewal Ram,  
R/o H.No.5, Vill. Molarbhand,  
PO; Badarpur, New Delhi.

... Applicant

(By Advocate: Shri U. Srivastava)

V E R S U S

The Council of Scientific and Industrial Research  
through

1. The Director General,  
Council of Scientific and Industrial Research,  
Rafi Marg, New Delhi.
2. The Director  
Central Road Research Institute  
Delhi Mathura Road, Okhla,  
New Delhi.

... Respondents

O R D E R (ORAL)

Shri U. Srivastava, learned counsel of the  
applicant heard.

2. By order dated 23.5.2000 (Annexure A-3) the  
applicant, who was working as UDC with the respondents,  
was dismissed from service under Rule 19 (1) of the CCS  
(CCA) Rules, 1965. The applicant had made an  
application in October 2000 to Deputy Superintendent  
Jail No.2, Tihar Central Jail, New Delhi asking for  
subsistence allowance, which was rejected vide Annexure  
A-1 dated 8.1.2001 on the ground that subsistence  
allowance is paid to those employees, who are put under  
suspension, which does not apply in <sup>his</sup> ~~your~~ case. The  
learned counsel has prayed that his application of  
October 2000 be treated as an application for grant of

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compassionate allowances under Rule 41 of CCS Pension Rules, 1972, which reads as follows:-

"41. Compassionate allowance

(1) A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity:

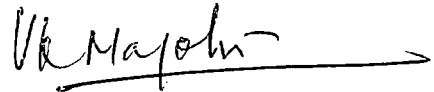
Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension.

(2) A compassionate allowance sanctioned under the proviso to sub-rule (1) shall not be less than the amount of Rupees three hundred and seventy-five per mensem."

3. In my considered view interest of justice would be served by directing the respondents to consider the applicant's application of October 2000 in terms of the provisions of Rule 41 ibid within a period of two months from the date of service of this order.

4. OA is disposed of in aforestated terms.

5. A copy of the OA may also be sent to the respondents along with these orders.



(V.K. MAJOTRA)  
MEMBER (A)

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