

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

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O.A. No. 700 of 1997

New Delhi, dated the 28th April, 1998.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Shri M.R. Chavan,
S/o Shri R.M. Chavan,
Last working as Scientist A-1,
in PID (CSIR),
(Now National Institute of Science Communications,
NISCOM),
Dr. Krishnan Marg,
New Delhi-110012,
R/o A-5-C/31-B, Janakpuri,
New Delhi-110058. APPLICANT

(By Advocate: Shri S.K. Sawhney)

VERSUS

1. Director General,
Council of Scientific & Industrial Research
(CSIR),
Rafi Marg,
New Delhi-110001
for PID (NISCOM), CSIR,
New Delhi-110012.

2. Union of India,
Ministry of Science & Technology,
Govt. of India,
South Block,
New Delhi-110011. ... RESPONDENTS

(By Advocate: Ms. Geetanjali Goel
proxy counsel for Shri V.K. Rao)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant prays for grant of DCRG and
Pension along with interest w.e.f. 2.9.82.

2. I have heard Shri S.K. Sawhney for
applicant and Ms. Geetanjali Goel, proxy counsel
for Shri V.K. Rao for respondents.

3. Both sides admit that under Rule 41(1) CCS
(Pension) Rules, a Govt. Servant who is dismissed
or removed from service shall forfeit his pension
and gratuity and admittedly as applicant was
removed from service vide impugned order dated
2.9.82 (Ann. A-1) he is not entitled to pension or
gratuity.

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3. Shri Sawhney however invited my attention to the proviso to the aforesaid Rule 41(1) which lays down that the authority competent to dismiss or remove a Govt. servant from service may in deserving cases sanction a compassionate allowance not exceeding 2/3 of pension or gratuity or both admissible to a Govt. servant if he had retired on compensation pension. Rule 41(2) prescribes a certain minimum amount of compassionate allowance.

4. Shri Sawhney stated that the charges against the applicant were not serious ^{and were} ~~serious~~ limited to ^{his} making complaints about the affairs of the office to outsiders, and under the circumstances this was a fit case for consideration for sanction of the compassionate allowance under the proviso to aforesaid Rule 41(1) CCS (Pension) Rules.

5. Although Shri Sawhney further stated that applicant had submitted representation in this regard to respondents, one dated 24.12.93 (Ann. A-11) and the other dated 16.6.95, on perusal of the contents of the aforesaid representations it is clear that no specific prayer was contained therein for grant of compassionate allowance under the proviso to aforesaid Rule 41(1).

6. This O.A. is disposed of with a direction that in the event applicant makes a self-contained representation to respondents for consideration for grant of compassionate allowance under proviso to Rule 41(1) CCS (Pension) Rules within 15 days from to-day, respondents will examine the the same and dispose it of by means of a detailed, speaking and reasoned order in accordance

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with law under intimation to applicant within two months from the date of receipt of such representation.

6. This O.A. is disposed of accordingly.
No costs.

(S. R. Adige)

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(S.R. Adige)
Vice Chairman (A)

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