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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

D.A.NO.2345/89

Date of Decision: 29-2-1996

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Shri R.K. Khanna (deceased),  
s/o Nathu Ram Khanna,  
r/o A-1/147, Inderpuri,  
New Delhi.

2. Smt. Kamla Khanna,  
w/o late Shri R.K. Khanna

Address of applicants  
2 to 4 - A/1/147, Inderpuri,  
New Delhi.

3. Shri Devender Kumar Khanna,  
s/o late Shri R.K. Khanna

4. Shri Anoop Kumar Khanna,  
s/o late Shri R.K. Khanna

5. Mrs. Namita Mehta,  
d/o late Shri R.K. Khanna,  
r/o House No.1,  
Mohalla Kala Khan, Amroha,  
Distt. Moradabad (U.P.)

....Applicants

By Advocate: Shri G.D. Gupta

Vs.

1. Union of India  
through  
Secretary, Ministry of Labour,  
Shram Shakti Bhawan,  
New Delhi.

2. Union Public Service Commission,  
through its Chairman,  
Dholpur House, Shahjahan Road,  
New Delhi.

... Respondents

By Advocate: Shri M.K. Gupta

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

This application was filed by Shri R.K. Khanna  
impugning the disciplinary order passed against him  
dated 8.4.88 imposing on him the penalty of dismissal

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from service as a result of departmental enquiry held against him on certain allegations of misconduct. The applicant himself unfortunately died on 12.11.89 and his legal heirs were substituted in his place in the party array.

2. Shri G.D. Gupta, learned counsel for the applicants had submitted thereafter that he was not pressing for the reliefs in the O.A. However, since the applicant had expired when he still had several years service left and as he was dismissed from service, his family members are not entitled to any retirement benefits including pension etc. He, therefore, submitted that in these days of economic hardship, the family members are facing great financial distress and if the respondents could consider the matter again and review the penalty order so as to convert <sup>it</sup> from dismissal to one of compulsory retirement, the family members would at least be able to draw some pensionary benefits, although they were no longer interested in seeking quashing the order of dismissal and exoneration of the charges levelled against the deceased employee.

3. In the above circumstances, the respondents were called *Plz* upon to consider the matter in a sympathetic manner.

4. The respondents have filed an additional affidavit on 2.2.95 in which they have stated that they have re-examined the whole case. They have submitted that a lenient view has been taken and the applicant has been sanctioned a compassionate allowance under Rule 41 of the CCS(Pension)Rules, 1972. They have allowed 2/3rd of the pension and gratuity which would have been admissible to the applicant if he had retired on compensation pension. As a result of this action an amount of Rs.20,694/- has been sanctioned as gratuity, Rs.611/- as monthly pension (compassionate allowance) and Rs.900/- p.m. (upto 24.6.95) and thereafter Rs.450/- p.m. as family pension.

5. In the light of the above submissions, this O.A. is dismissed. No order as to costs.

Lakshmi Swaminathan

(SMT. LAKSHMI SWAMINATHAN)  
MEMBER(J)

Adige  
(S.R. ADIGE)  
MEMBER(A)

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