

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD.**

**OA No.218/2017**

**This the 24<sup>th</sup> day of August, 2020**

**Coram : Hon'ble Shri J.V.Bhairavia, Member (J)  
Hon'ble Shri A.K.Dubey, Member (A)**

1. Smt. Geetaben Kiritbhai Vasava  
Widow of Shri Kirit C. Vasava  
Age-51, Housewife.
2. Shri Vibhanshu Kiritbhai Vasava  
Son, Male, Age 22 years, Unemployed
3. Shri Rupesh Kiritbhai Vasava  
Son, Male, Age 20 years, Unemployed  
Resident – Vasava Falia, Village – Thuwavi,  
Taluka : Dabhoi,  
District : Vadodara 390017. .... Applicant

**(By Advocate : Shri O.P.Khurana, Shri G.R.Malhotra)**

**VERSUS**

1. Union of India,  
Notice to be served through  
The Chief Electrical Loco Engineer  
1<sup>st</sup> Floor, Railway Station,  
Western Railway, Churchgate,  
Mumbai 400 020.
2. The Additional Divisional Railway Manager  
Western Railway, Pratapnagar,  
Vadodara 390 004.
3. The Sr. Divisional Electrical Engineer (TRO)  
Western Railway, Pratapnagar  
Vadodara – 390 004. .... Respondents

**(By Advocate : Shri M.J.Patel )**

**ORDER – ORAL**

**Per : Hon'ble Shri J.V. Bhairavia, Member (J)**

Counsel for the applicant, Shri O.P.Khurana submits that  
unfortunately, during the pendency of this OA, the applicant died on

22.8.2017. It is submitted that the deceased employee namely Kirit C. Vasava, the applicant herein, while he was working as Senior Shunter in the pay scale of Rs.9300-34800 + Rs.4200/- (GP) w.e.f. 01.01.2006 under CTCC-BRCY was awarded major penalty of removal from Railway Services with immediate effect along with 2/3<sup>rd</sup> of Compassionate allowance (Pension & Gratuity both) in terms of the NIP dated 28.03.2015 (Annexure A-4) as also memorandum dated 14.5.2014.

2. On appeal, the said penalty of removal from service was set aside by the Appellate Authority vide order dated 05.12.2014 (Annexure A-8) and he was placed in the minimum of initial grade of recruitment with future effect and further directed not to be posted him in running duties or any safety category but shall be posted in non-safety category. Accordingly, he was posted as a Cleaner in the scale of Rs. 5200-20200 + Rs.1800 (G.P) in C&W at BRCP vide memorandum dated 05.12.2014 (Annexure A-8). It is further stated that the order passed by the Appellate Authority dated 05.12.2014 was partially modified vide order dated 24.12.2014 (Annexure A-9) which reads as under :

*“Place the C.O. in the minimum of initial grade of recruitment for the period of five years with cumulative effect with further direction to controlling officer not to post the CO in running duties or any safety category.”*

It is further observed in the said modification order that fresh revision petition, if any, lies of RA and CCE /CCG within 45 days

from the date of receipt of that order. Accordingly, the applicant had filed his revision /appeal on 25.02.2015 (Annexure A-10). The said revision petition was rejected vide order dated 10.8.2015 by CELE, HQ. CCG, Mumbai (Annexure A-11) and upheld the decision of the Appellate Authority. Counsel for the applicant submits that in the present OA one of the grounds was taken by the applicant is that his revision petition was not considered by the competent authority.

**3.** Counsel for the applicant submits that as per the modified penalty order, the applicant had resumed his duty and during his service period, he died and therefore, the respondents are required to be directed to consider the said fact and needs to settle his settlement dues including the request of the widow for grant of compassionate appointment to her son.

**4.** It is further submitted that since the applicant has expired and his widow namely Geetaben K. Vasava had submitted her detailed representation/ application dated 13.9.2017 before the DRM, Western Railway, Vadodara, thereby she prayed for payment of financial settlement dues such as P.F., DCRG, CIS, Leave Encashment pertaining to P. F Account No.14459590. It is submitted that till date the respondents have not finalized the settlement dues and now at present her limited prayer is that the same may be considered and decided at the earliest.

5. On the otherhand, Shri M.J.Patel learned standing counsel for the Respondents Railways fairly submits that since the applicant expired during pendency of this OA and if application submitted by the widow of the applicant i.e. 13.9.2017 (Annexure A-27) yet not considered, the same will be considered and finalise expeditiously.

6. Considering the aforesaid submissions and perusal of the record, we deem it fit to dispose of the OA with a direction to the DRM, Western Railway, Vadodara to consider and decide the application of the widow of the deceased employee Shri Kirit C.Vasava dated 13.9.2017 (Annexure A-27) within period of 45 days from the date of receipt of a copy of this order. Since the deceased Railway employee i.e. Shri Kirit C.Vasava died on 22.8.2017, during lifetime of his service, therefore, the respondents are further directed that if any delay occurs in releasing the settlement dues to the widow of the applicant due to administrative lapses, the respondents shall also pay interest as per the rules on the amount admissible to the widow of the applicant, namely Geetaben Kiritbhai Vasava.

7. With the above directions and observations, the OA stands disposed of.

**(A.K.Dubey)**  
**Member (A)**

**(J.V.Bhairavia)**  
**Member (J)**

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