17.7.1990.

Present: Shri Umesh Misra, counsel for the applicant.

Shri O.P. Kshtariya, counsel on behalf of the respondents.

The husband of the applicant, while working as Shed Clerk under the respondents was removed from service on 24.3.1983, pursuant to the disciplinary proceedings against him for misconduct. He passed away on 4.10.1987. The claim of the applicant is for direction to the respondents to give her pension, back wages and compassionate allowance.
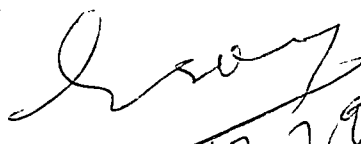
2. It is seen that the applicant has based her claim on the provision contained in Rule 2310 of the ~~Northern~~ Railway Establishment Code Volume II, from the said provision as extracted in paragraph-1 of the application is clear that an officer dismissed or removed for misconduct, is not eligible for pension. However, in cases deserving special consideration, there is provision for payment of compassionate allowance not exceeding 2/3 of the pension which would have been admissible if he had retired on medical certificate. In view of the aforesaid provision the claim of the applicant for pension is not tenable. Equally unsustainable is the claim for back wages of her deceased husband. Advocate Shri Umesh Misra appearing for the applicant did not rightly press those reliefs, but it was submitted by him that the applicant is entitled to compassionate allowance. We are afraid that the provision for grant of compassionate allowance as embodied in Rule 2310 does not enable the widow of the employee to put forward a claim.

3. It follows that the application does not deserve to be admitted.

4. It was stated by the counsel of the applicant that the applicant has submitted a representation before the Railway Board which has not been considered and disposed of. We make it clear that the rejection of this application does not stand in the way of the said representation, in case it has been filed and has not been disposed of, being considered.

The application is rejected.

(I.K. Rasgotra)
Member (A)

(G.Sreedharan Nair)
Vice-Chairman
17.7/90