

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

OA No.78/2019 with MA No.83/2019

This the 08th day of January, 2021

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

Smt. Gidudi
Widow of Late Shri Bhaga Sokhla,
Ex.Gangman under CPWI (II), Anand.
Lala Punja in Chawl, Gamdi-Anand : 388001.....Applicant.

(By Advocate: Mr.Navneet Taneja)

Versus

1. Union of India
(Notice to be served through
The General Manager
Western Railway,
Churchgate, Mumbai – 400 020.
2. The Divisional Railway Manager
Pratapnagar, Vadodara – 390 004.Respondents

(Advocate : Mr. M.J.Patel)

ORDER – ORAL

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

On consideration of the grounds stated in the MA No.83/2019 for
condonation of delay, the MA is allowed.

2. Aggrieved by non grant of compassionate allowance, the
applicant, who is the widow of deceased Railway employee has filed
the present OA. She seeks the following relief :

*“The applicant most humbly requests based on the facts
stated above, that the Disciplinary Authority of the Railway*

may kindly be directed to grant a suitable Compassionate Allowance and oblige the poor widow in arranging her two proper meals.”

3. The brief facts of the case as under :

The husband of the applicant late Shri Bhaga Sokhla, while working as Gangman under CPWI(II), Anand, suffered mental illness. Due to his illness, he could not remain present regularly on his duty from May, 2010 to 23.08.2012. In view of this, Respondents vide NIP dated 04.06.2014 issued under Rule 6 of Railway Servant (Discipline & Appeal) Rules, 1968, removed the applicant from the service with immediate effect without any pensionary benefits.

4. The counsel for the applicant submits that deceased Railway employee had rendered 09 years, 11 months & 23 days of service. As per Pension Rules, period of three months and more shall be counted as “half a year” (Annexure A-3). Relying on said Pension Rules, counsel for the applicant submits that even though deceased Railway employee had put in 09 years, 11 months and 23 days, it shall be construed that deceased Railway employee had put in 10 years qualifying service and therefore, he is entitled for compassionate allowance.

5. On the otherhand, Standing counsel for the respondents, Shri M.J.Patel submits the applicant has straight way knock the doors of the Tribunal without exhausting the departmental remedy. At this stage, counsel for the applicant submits that the applicant is very poor

illiterate widow and she would be satisfied, if this OA is disposed of with a direction to the respondents to consider her claim for compassionate allowance.

6. Considering the aforesaid submissions, without entering into merits of the OA, in the interest of justice, we direct the respondent No.2 to treat this OA itself as a representation of the applicant and pass appropriate order expeditiously and intimate decision to the applicant.

7. The OA stands disposed of accordingly. No order as to costs.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

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