

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

**OA No.455/2020 with MA No.429/2020**

**This the 26<sup>th</sup> day of August, 2021.**

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

Shri Laxman B.  
S/o. Balu  
Aged 56 years  
R/o. C/o. Kalpesh Bachubhai Parmar  
Nishal Faliya, Kamboi,  
Dahod – 389 140. .... **Applicant**

( By Advocate : Ms. S.S.Chaturvedi )

**VERSUS**

1. Union of India  
Notice to be served through  
The General Manager  
Western Railway, Churchgate,  
Mumbai 400 020.
2. Divisional Railway Manager (E)  
Western Railway,  
Nr. Chamunda Bridge, Asarwa,  
Ahmedabad – 380 016.
3. Assistant Divisional Electrical Engineer  
Western Railway,  
Nr. Chamunda Bridge, Asarwa,  
Ahmedabad – 380 016.
4. Sr. Divisional Electrical Engineer  
Nr. Chamunda Bridge, Asarwa,  
Ahmedabad – 380 016. .... **Respondents.**

(By Advocate : Shri M.J.Patel)

**ORDER (ORAL)**

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

1. In the present case, the applicant was removed from service on 20.03.2009 by way of penalty imposed upon him by the Disciplinary Authority (Annexure A/2). It is the grievance of the applicant that in terms of proviso of Rule 65(1) of the Railway Servants (Pension) Rules, 1993, the authority competent who had dismissed or removed a railway servant from service may, if his case is deserving a special consideration, shall be sanctioned a compassionate allowance, not exceeding 2/3rd of pension or gratuity or both, which would have been admissible to him, if he had retired on compassionate pension. In the case of the applicant, at the time of his removal from the service, the Disciplinary Authority had not passed any order with regard to grant of compassionate allowance to the applicant. It is stated that the applicant was working as a Khalasi and was not aware about the rules of grant of compassionate allowance on removal or dismissal of the railway employees. Even he did not file any appeal against the said penalty order. Subsequently, on receipt of the advice of the railway union and with the help of legal assistant, he submitted representation before DRM (E), Western Railway, dated 19.01.2019 (Annexure A/1) and request to consider the claim for grant of compassionate allowance. Since the said representation remains unanswered, the applicant has filed the present OA along with MA for condonation of delay. In said

MA, the applicant has stated about his poverty and illiteracy with regard to provision regarding grant of compassionate allowance. Counsel for the applicant placed reliance on RBE No.164/2008 issued by Railway Board on 04.11.2008 as well as RBE No.89/2008 dated 31.7.2008 (Annexure A/3 and Annexure A/4 respectively refers) and submits that the case of the applicant requires to be considered in terms of said RBEs. However, the respondents have not considered the case of the applicant nor answer to his representation. Therefore, she prays for grant of condonation of delay.

2. On the otherhand, standing counsel for the respondents, Shri M.J.Patel appears and submits that they have filed their reply and objected to the claim of the applicant as the representation was filed at belated stage. Respondents did not dispute the existence of procedure prescribed in RBE No.89/2008 with respect to compassionate allowance. It is noticed that the Disciplinary Authority in its order dated 20.3.2009 (Annexure A/2) did not mention anything with regard to compassionate allowance while imposing the major penalty of removal from service. As such the representation hereinabove that it is filed at belated stage remains unanswered.
3. Considering the peculiar facts and circumstances of the case, as also considering the penury condition of the applicant, we deem it fit to allow the MA No.429/2020 and dispose of the OA with liberty to the applicant to file additional representation before the Disciplinary

Authority within three weeks from today and on receipt of it, the Disciplinary Authority is directed to consider the same, as also pending representation of the year 2019 in accordance with the rules and service record of the applicant and pass appropriate order within sixty days from the receipt of the additional representation. It is made clear that we have not expressed any opinion on the merit of the case.

**4.** With the above directions, the OA stands disposed of. No order as to costs.

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

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

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