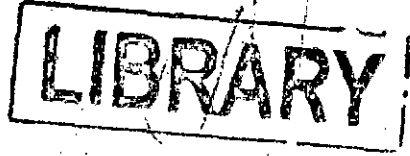


**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**



No. O.A. 350/00489/2017

Date of Order: 05.01.2021

**Coram:** Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Tarak Mahata,  
Son of Kinoo Mahata,  
Ex. Gangman/B.W.I\_WS\_KGP,  
Posted in Engineering Department,  
Kharagpur,  
Aged about 62 years,  
Residing at Village – Salukgeria,  
P.O. Jorakhali,  
Jhargram,  
District – Paschim Medinipur,  
Pin – 721507.

.... Applicant

- VERSUS -

1. Union of India,  
Service through the General Manager,  
South Eastern Railway,  
Garden Reach,  
Kolkata – 700 043.
2. The Divisional Railway Manager,  
South Eastern Railway,  
Kharagpur,  
Post Office and Police Station – Kharagpur,  
District – Paschim Medinipur,  
Pin – 721301.
3. Divisional Personnel Officer,  
South Eastern Railway,  
Kharagpur,  
Post Office and Police Station – Kharagpur,  
District – Paschim Medinipur,  
Pin – 721301.
4. The Chief Works Manager,  
South Eastern Railway,  
Kharagpur,  
Post Office and Police Station – Kharagpur,  
District – Paschim Medinipur,  
Pin – 721301.
5. The Deputy Chief Mechanical Engineer,  
South Eastern Railway,  
Kharagpur,

*hob*

Post Office and Police Station – Kharagpur,  
District – Paschim Medinipur,  
Pin – 721301.

.... Respondents

For The Applicant(s) : Mr. T.K. Biswas, Counsel

For The Respondent(s) : Ms. S. Choudhury, Counsel

**ORDER (ORAL)**

**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant primarily prays for compassionate allowance on the basis of RBE No. 164/2008, and, not having received the same, has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 for relief.

2. Heard both Id. Counsel, examined documents on record.
3. The brief facts, as articulated by the Id. Counsel for the applicant is that, the applicant, who is an ex-Gangman working in the Engineering Department of the respondents, was injured on duty while changing the sleeper at Coal Siding Line No. 2 on 13.10.1980. He was sent for necessary treatment and the medical reports reveal that he had sustained injuries on the fingers of his left hand. While he was undergoing treatment, the applicant was compelled to be absent from his duties. An enquiry was conducted against him, and, based on the findings of the enquiry officer, the applicant was removed from Railway service in 1984.

The applicant, thereafter, having suffered pecuniary compulsions, prayed to the respondent authorities to grant him compassionate

*hah*

allowance on the basis of RBE No. 164/2008 wherein it had been decided that where no orders have been issued by the disciplinary authority specifically against/for grant of compassionate allowance. Compassionate Allowance shall be sanctioned notionally from the date of dismissal/removal upon due consideration of the dependent family members of the concerned employee.

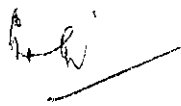
Ld. Counsel for the applicant would specifically cite RBE No. 164/2008 at Annexure A-5 to the O.A. wherein the following has been stated:-

"(i) Only those past cases can be reviewed where records pertaining to D&A proceedings and Service records are available. D&A proceedings are essential to take a fair decision duly considering the gravity of the offence and other aspects involved therein and to confirm that the question of sanction or otherwise of compassionate allowance was not considered by the competent authority at any stage. Service records are essential to adjudge the kind of service rendered by the dismissed / removed employee and to determine the net qualifying service for working out the quantum of compassionate allowance, if sanctioned."

Ld. Counsel for the applicant would further pray that the authorities be directed to dispose of the representation of the applicant at Annexure A-6 to the O.A. in a time-bound manner.

4. Ld. Counsel for the respondents would not object to disposal of such representation in accordance with law.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we would direct the addressee authorities /any other competent authority to decide on the applicant's representation at Annexure A-6 to the O.A., if received at their end, within 12 weeks from the date of receipt of a copy of this order. The respondents will decide in accordance with law and particularly in the light of RBE No. 164/2008.



Decision arrived at should be conveyed in the form of a reasoned and speaking order to the applicant.

In case, it is decided to grant compassionate allowance to the applicant, disbursement should follow within 10 weeks thereafter.

6. With these directions, the O.A. is disposed of. There will be no orders on costs.

(Dr. Nandita Chatterjee)  
Administrative Member

(Bidisha Banerjee)  
Judicial Member

SP

