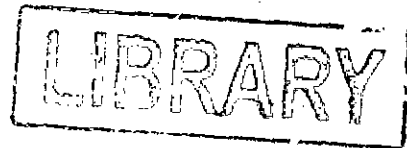


**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/732/2019

Date of Order: 11.08.2021

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

Sunil Kumar Das, son of late Kashab Chandra Das, aged about 56 years, removed from service as Cabin man, Grade-1, BZLE under Eastern Railway, Howrah Division, residing at C/o Uday Kumar Bag, of vill, Jitarpur, P.O. Digra, P.S Balagarh, Dist. Hooghly, Pin 712512.

--Applicant

-vs-



1. Union of India, through the General Manager, Eastern Railway, 17, N.S Road, Fairlie Place, Kolkata - 700001.
2. Divisional Railway Manager, Howrah, Eastern Railway, Howrah Division, Howrah - 711101.
3. Senior Divisional Operation Manager, (G), Eastern Railway, Howrah Division, Howrah - 711101.
4. Senior Divisional Personnel Officer, Eastern Railway, Howrah Division, Howrah - 711101.

--Respondents

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

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.

2. This O.A has been preferred to seek the following relief:

"a) An order directing the respondents to release the compassionate allowances in favor of the applicant in terms of the RBE 164/2008 basis along with all arrear with interest.

b) An order directing the respondents to consider the representation dated 12.03.2018 (Annexure A-7) within specific time.

c) to pass any other or further order or orders as to this Hon'ble Tribunal may deem fit and proper."

b

3. The brief facts of the case are as under;

The applicant, Ex-Cabinman/SM/Bazarsau, initially joined the Railway Service in the year 1980 as a Substitutes and was regularized as Porter on 17.7.1984 and promoted to Pointman and lastly promoted as Cabin-man Gr. I. A major penalty charge sheet was issued upon him and the applicant was removed from Railway Service on and from 08.11.2011. Being aggrieved, he has filed this application seeking direction upon the respondents to consider his representation dated 12.03.2018 in regard to granting of compassionate allowance in terms of Railway Circular No. RBE 164/2008



3. At hearing, ld. Counsel for the applicant would submit that the applicant would be satisfied with a direction to the competent authority to consider his representation in regard to compassionate allowance in the light of RBE 164/2008, in a time bound manner.

4. Ld. Counsel for the respondents does not have any objection if such direction is issued to consider in accordance with law.

5. Having noted that no adverse order is under challenge and seeking identical relief, the applicant has already preferred a representation dated 12.03.2018 to the competent authority which is yet to be disposed of. As no fruitful purpose would be served by calling for a reply in this matter, unless the representation is decided by the competent authority, we would dispose of the OA with a direction upon the competent authority to consider the grievance of the applicant in regard to his prayer for compassionate allowance in the light of RBE 164/2008 (Annexure A-7 to the OA), decide the claim of the applicant and issue a reasoned and speaking order in accordance with law within a period of 2 months from the date of receipt of copy of this order. In the event the applicant is

found entitled to the relief as prayed for, an appropriate order in accordance with law be issued within the said period.

6. It is made clear that we have not entered into the merit of this matter and, therefore, all points are kept open for consideration

7. This OA accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)



SS