

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 119 OF 1995

Allahabad, this the 22nd day of July, 1999.

CORAM : Hon'ble Mr.S.Dayal, Member (A)
Hon'ble Mr.S.K.Agrawal, Member (J)

Noor Mohmad,
S/o. Late Shri Rajjab Ali,
Ex. Shuntman, Northern Railway,
Chunar,
R/o. Village - Jagatpura Dil Urf Pahani,
Post : Hussainganj, Fatehpur.

.....Applicant

(BY Shri Anand Kumar & Shri C.P.Gupta, Advocates)

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Allahabad.
3. The Divisional Operating Manager,
Northern Railway, Divisional Railway
Manager Office, Allahabad.

.....Respondents

(By Shri A.V.Srivastava, Advocate)

O R D E R (Open Court)

(By Hon'ble Mr.S.Dayal, Member (A))

This application has been filed for payment of Provident Fund contribution, D.C.R.G., Compassionate Allowance and Compassionate Grant, Subsistence Allowance of the suspension period and other dues which are admissible to the applicant alongwith compound interest.

contd.../2p

2. The relief asked for earlier was to quash the order dated nil-5-84, which is annexed as A1 to the original application and direction to be given to give all consequential benefits. Prayer was also made for payment of all admissible dues including Compassionate Grant, Compassionate Allowance and Subsistence Allowance. The applicant by amending the relief has confined his reliefs only to payment of admissible dues as he accepts his removal.

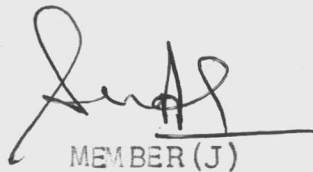
3. As far as grant of Compassionate Allowance is concerned Rule 65 Railway Services (Pension) Rules 1993 provides the general rule that a Railway Servant who is dismissed or removed from service shall forfeit his pension and gratuity alongwith the proviso that the Authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a Compassionate Allowance not exceeding two-thirds of Pension or Gratuity or both which would have been admissible to him if he had retired on Compensation Pension.

4. There is no averment on the part of the applicant that he ever approached the respondents for grant of Compassionate Allowance. Therefore, the applicant may file an application with the respondents under the relevant provisions alongwith necessary justification for grant of Compassionate Allowance.

5. The applicant also claims ~~that~~ that payment of Provident Fund contribution and Subsistence Allowance for the period of suspension as well as other admissible dues has not been made by the respondents to him. The applicant may submit his representation specifying the claims for payment of admissible dues which he still

has on the department within six weeks from the date of this order, and the respondents are directed to consider the representation under the extant rules applicable to the applicant by passing a detailed order on the claims of the applicant and make payment of all admissible dues which are found in order by them as per the extant rules within a period of three months from the date of receipt of representation.

6. There shall be no order as to costs.


MEMBER (J)


MEMBER (A)

satya/