

(19)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.106 OF 2006

ALLAHABAD THIS THE 19TH DAY OF SEPTEMBER, 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

Chakreshwar Nath Jain,
Aged about 68 years,
Son of Late Bhola Nath Jain,
Resident of H.297-A, Railway Harthala Colony,
Moradabad.

.....Applicant

By Advocate : Sri T. S. Pandey

Versus

1. Union of India through ex-Officio,
Secretary and Chairman, Railway Board,
Rail Bhawan, New Delhi.
2. The General Manager,
Northern Railway, Baroda House,
New Delhi.
3. Divisional railway Manager,
Northern Railway, Moradabad Division,
Moradabad.
4. Divisional Electrical Engineer,
Northern Railway, Moradabad Division,
Moradabad.

.....Respondents

By Advocate : Shri P. Mathur

O R D E R

This application is filed seeking direction to consider the case of the applicant in view of the circular dated 09.05.2005 and Rule 65 of the Railway Service (Pension) Rules, 1993 to fix the compassionate allowance to the applicant. It is a case of the applicant that he has made a representation on 02.08.2005 to the respondent no.3. The said

(11)

representation is pending as on today, hence this OA is filed.

2. On notice the respondents have filed the counter affidavit and contended that the applicant is not entitled for the benefit and they have produced along with the counter affidavit annexure 1 and 2 in support of their contention. However, in the counter affidavit in para 9 it is stated that the applicant has not submitted any application to the appropriate authority within the stipulated period as granted, and as such the claim of the applicant is not at all tenable at this belated stage for compassionate allowance, for this reason seeks for dismissal of the OA.

3. I have heard the learned counsel for the parties and perused the pleadings and the materials on record.

4. Having regard to the fact that whether the applicant is entitled or not is to be decided by the competent authority of the respondents. The applicant has submitted a representation on 24.08.2005, which is pending as on today, the applicant has not received any communication from the respondents, even otherwise if the said representation is not with the respondents the respondent shall take into consideration the representation filed in this OA as a representation submitted by the applicant and pass appropriate speaking order in accordance with law within a period

(12)

of three months from the date of receipt of a certified copy of this order.

5. With the above directions this OA is disposed of.
No Costs.

Member-J

/ns/