

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. 60/93

DATE OF DECISION :- 29.11.99

Sumitra Gupta w/o Girishkumar Gupta

: Petitioner [s]

Mr. K.K. Shah

: Advocate for the petitioner [s]

Versus

Union of India & ors.

: Respondent [s]

Mr. N.S. Shevde

: Advocate for the Respondent [s]

CORAM

THE HON'BLE MR.

V.RAMAKRISHNAN

VICE CHAIRMAN

THE HON'BLE MR.

A.S.SANGHAVI

MEMBER [J]

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Sumitra Gupta W/o,
 Girish Kumar Gupta,
 Sr. TXR, SBI,
 Add: K.K. Shah, Advocate,
 3, Achalayatan Soc. Dv.III,
 Nr. Memnagar Fire Station,
 Ahmedabad.

Applicant

Advocate Mr.K.K. Shah

Versus

1. Union of India, Through :
 The General Manager,
 W.Rly., H.Q. Office,
 Churchgate, Bombay.

2. Divisional Railway Manager,
 Divisional Office, W.R. Pratapnagar,
 Baroda.

3. Sr.Divisional Mechanical Engineer,
 W.R. Pratapnagar,
 Baroda.

Respondents

Advocate Mr.N.S.Shevde

ORAL ORDER
IN
O.A.NO.60/93

Dt.29.11.99

Per Hon'ble Mr.V.Ramakrishnan Vice Chairman

✓

We have heard Mr.K.K.Shah for the applicant and Mr.Shevde for the respondents.

2. The original applicant Mr.Girsh Gupta was an ex railway servant and he was visited with disciplinary proceedings. After holding a detailed inquiry, the I.O. came to the finding that the charges against the railway servant in the nature of negligence or dereliction of duty were held to be established. The disciplinary authority imposed a penalty of removal from service by an order dated 25.9.91. This was up held by the appellate authority by an order dated 26.7.91 and also the DRM as revisional authority by the order dated 15.11.91. The original applicant had filed the O.A. in December 1998 with M.A. for condonation of delay challenging these orders. The M.A. for condonation of delay was allowed by the Tribunal by the order dated 8.7.93. However, during the pendency of the O.A. the applicant had died and his widow has come on record by filing an M.A.

3. Mr.Shah submits that the family is in indigent circumstances. Unfortunately the applicant had died during the pendency of the proceedings and the widow and child are without means of livelihood. The penalty of

removal from service has resulted in forfeiting the retiral benefits which would have been due to the family. Mr. Shah further, submits that the railway servant had put in about 17 years of service and if there had been a lesser penalty, the widow and the family would be eligible for certain benefits by way of family pension etc. Mr. Shah says that in the light of the subsequent development namely ^{that} the original applicant had died during the pendency of the O.A., the widow would now prefer to file a representation to the General Manager through the DRM bringing out the economic conditions of the family and the financial distress faced by her and the child. The widow in fact is staying with her father and is in indigent circumstances and has no independent means of livelihood. He now seeks a direction that the railway administration may take a sympathetic view as had been done in some other case, and reduce the quantum of penalty so that widow becomes eligible for family pension and certain other benefits. Mr. Shevde has no objection to this suggestion.

4. In the circumstances, and keeping in view the submission of Mr. Shah, we direct ^{that} the widow who has come on record by filing an M.A. may submit

a representation to the General Manager through the D. R. M. within 4 weeks from the date of receipt of a copy of this order. The D.R.M. who is respondent no.2. shall forward the representation within a fortnight of its receipt with his views to the General Manager. The General Manager who is respondent no.1. shall dispose of the said representation keeping in view the facts of the present case and in particular, the fact that the railway servant had put up about 17 years of service and the widow is stated to be in indigent circumstances. The General Manager shall decide the representation within 2 months from the date of receipt of the representation from the DRM and shall communicate the decision thereof. We are confident that the General Manager will take an appropriate view and in particular take into account any similar cases which had been dealt with where such a compassionate view has been taken as stated by Mr. Shah.

5. With the above directions, the O.A. stands finally disposed of. No order is passed as to costs.

A. S. Sanghavi

[A. S. SANGHAVI]
MEMBER [J]

V. Ramakrishnan

[V. RAMAKRISHNAN]
VICE CHAIRMAN

S. Solanki

CENTRAL ADMINISTRATIVE TRIBUNAL, DELHI

Application No.

08/60/93

of 19

Transfer Application No.

Old Writ. Pet. No.

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated: 15-12-99

Countersigned.

Praveen K. Jha

Section Officer/Court Officer.

Q
Signature of the Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD

CAUSE TITLE

O.A.

/60/93

NAME OF THE PARTIES

Rishi Kumar Gupta

VERSUS

U.O.I. & ORS.

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