

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.1015 of 2013
Cuttack this the 2nd July, 2014
CORAM
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Sri S.K.Panda
Aged about 58 years
S/o.late B.N.Panda
Ex.T.T.E.E. Co.Railway
At-Baudpur, PO-Madhab Nagar
Dist-Bhadrak (Odisha)

...Applicant

By the Advocate(s)-Mr.A.Mishra

-VERSUS-

Union of India represented through

1. The General Manager
East Coast Railway
Rail Vihar, Chandrasekharpur
Bhubaneswar-751 023
Dist-Khurda
Odisha
2. The Chief Commercial Manager
East Coast Railway
Rail Vihar, Chandrasekharpur
Bhubanewswar-751 023
Dist-Khurda
Odisha
3. A.D.R.M., Khurda Road
East Coast Railway
Khurda Road
Dist-Khurda, Odisha
4. Sr.D.C.M., Khurda Road
East Coast Railway
Khurda Road
Dist-Khurda, Odisha



...Respondents
By the Advocate(s)-Mr.T.Rath

ORDER(Oral)

R.C.MISRA, MEMBER(A):

Heard Shri ~~A.~~ Mishra, Learned counsel for the applicant and Shri T.Rath, learned Standing Counsel appearing for the Respondents and perused the records.

2. It is the case of the applicant that he joined as TTC under the Respondent-Railways on 18.5.1973 and while working as such, he was dismissed from service on 3.4.2001 as a result of disciplinary proceedings initiated against him. Applicant made an appeal against the dismissal order, but the Appellate Authority confirmed the orders of the Disciplinary Authority. He was granted 1/3rd of usual pension and gratuity after the order of dismissal and this order was passed on 30.5.2006. Applicant filed a representation on 5.10.2012 to Respondent No.1 to consider his case sympathetically and enhance the pensionary benefits to 2/3rd instead of 1/3rd as per Rule-65 of Railway(Services) Pension Rules, 1993. It is found that even though the decision was made in the year 2006, applicant made his representation after six years, i.e., in the year 2012 and even though the representation was made in the year 2012, he has filed the present O.A. before the Tribunal in the year 2013. Obviously, on the facts of the case, the O.A. is grossly barred by limitation and such a case cannot be admitted in the Tribunal. However, the applicant has made a prayer that he may be



permitted to make a fresh application to Respondent No.1 to consider his prayer for enhancing the pension. Rule-65 of Pension Rules as quoted above, provides that a railway servant who is dismissed or removed from service shall forfeit his pension and gratuity. Proviso to this rule lays down that the authorities competent to dismiss or remove him from service may if the case is deserving special consideration sanction a compassionate allowance not exceeding 2/3rd of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension. Therefore, under Rule-65, it is the satisfaction of the authorities where a particular case deserves special consideration which is very important in the matter. No direction obviously can be issued to the concerned authorities to grant such a prayer.

3. However, considering the submissions made by the learned counsel for both the sides, Respondent No.1 shall consider the representation which is said to have been filed by the applicant on 5.10.2012 ^Q and if it has been received at his end, with reference to rules as quoted and also on the facts and circumstances of the case, within a period of eight weeks from today and communicate the decision thereon to the applicant.

4. With the above observation and direction, this O.A. is disposed of. No costs.



12

4

O.A.No.1015 of 2013

5. As agreed to by learned counsel for both the sides, copy of this order along with paper book be sent to Respondent No.1 at the cost of the applicant, for which Shri Mishra undertakes to deposit the postal requisites by 04.07.2014. Free copy of this order be made over to the learned counsel for both the sides.



(R.C.MISRA)
MEMBER(A)

BKS