

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 630 of 1997

Date of order : 18.8.2005

Present : Hon'ble Mr. Justice B.Panigrahi, Vice-Chairman
Hon'ble Mr.N.D.Dayal, Administrative Member

SUKHU DEVI

VS

UNION OF INDIA & ORS.

For the applicant : Dr.S.Sinha, counsel

For the respondents : Mr.S.Choudhury, counsel

O R D E R

Per Justice B.Panigrahi, VC

The applicant's husband was working as Khalasi-Helper. It was reported that he was absent for a period of about a year w.e.f. 5.5.90. Therefore a major penalty charge sheet was issued against him following which ex parte enquiry was conducted in the office of CF/BNDM of 19.10.90. In the enquiry the applicant's husband was found guilty and accordingly the Disciplinary Authority has imposed a punishment of removal against the applicant's husband vide order dated 27.12.90. He filed an appeal on 27.1.91 and the Appellate Authority in his letter dated 28.3.91 informed the applicant that there was no substance in the appeal. Accordingly the order of Disciplinary Authority was confirmed. He made a further appeal on 20.1.92. During pendency of the same he died on 3.12.92. The applicant's husband did not earn an yearly increment from 1.1.90. Being undettered by the dismissal of the applicant's husband's appeal, she filed this case seeking a direction against the respondents to release all the settlement dues, ex-gratia pension under the liberalized Pension Rules 1979 with interest @ 14%. In this case since the order of removal was passed sometimes in 1990 which was affirmed by the Appellate Authority we are therefore not inclined to go into the details of order of dismissal. The only issue that lies for our consideration is whether the applicant can be granted ex-gratia pension or not. The

Beeutown

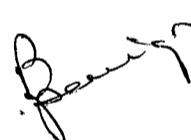
... 2/-

applicant seems to have not filed any representation claiming compassionate allowance under Rule 65 of Railway Service (Pension) Rules, 1993. It is apparent that Rule 65 of Railway Service (Pension) Rules, 1993 came into force on and from 3.12.93. Therefore this pension rule shall not be applicable. Next question that arise in the instant case is whether the applicant could be given compassionate allowance under any other analogous provision prior to 1993. It is needless to say that the dismissal of the applicant's husband was not on account of moral turpitude or for any other graver charge save and except remaining unauthorised absent from duties. The applicant's husband put in service from 19.4.74. Since he had rendered service for more than 10 years it is for the respondent authorities to consider whether the applicant could be given compassionate allowance to tide over the misery of poverty. The applicant is therefore asked to submit a fresh copy of this application to the respondent No.2 by registered post within 3 weeks or after receipt of the same shall treat it as a representation and consider as to whether the applicant can be given some compassionate allowance as her husband rendered service for more than 10 years, within a period of 4 months from the date of receipt of the same.

With the above direction the application is disposed of. No order as to costs.



(N.D.DAYAL)
MEMBER(A)



(B.PANIGRAHI)
VICE-CHAIRMAN

In