

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.465/95

Thursday, this the 1st day of August, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

KN Jayaram,
Ex-Chief Computer/Design Assistant,
Northern Railway Head Quarters Office,
Baroda House, New Delhi.
(residing at Chelakkappally House,
Kalavankodam,
Cherthala-688 586.)

- Applicant

By Advocate Mr TC Govindaswamy

Vs

1. Union of India through
the General Manager,
Northern Railway,
Head Quarters Office,
Baroda House, New Delhi.
 2. The General Manager(Personnel),
Northern Railway,
Head Quarters Office,
Baroda House, New Delhi.
 3. Executive Engineer,
Project and Designs,
Northern Railway,
Head Quarters Office,
Baroda House, New Delhi.
- Respondents

The application having been heard on 1.8.96 the Tribunal
on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant a former employee of the Northern Railway
residing within the jurisdiction of this Tribunal, seeks a direction
to respondents to grant him pensionary benefits in terms of the
offer made by them and accepted by him.

2. Applicant joined the service of Northern Railway on 19.12.56 and worked with them till 4.3.78. Thereafter he left his place of work - presumably he was absent unauthorisedly. He was removed from service on 14.8.84.

3. Matters drifted for a while, and then by A-3 communication on behalf of the General Manager, Northern Railway, applicant was informed:

"Please find herewith a set of pension papers and return the same to this office after filling up correctly for arranging the payment of settlement dues."

We understand this as an acknowledgement of the eligibility of applicant to get pension (presumably 'Compassionate Allowance' under Para 310 of the Manual of Railway Pension Rules, 1950). Applicant submitted the papers A-4, duly filled up.

4. A-4 was acted upon following A-3, and provident fund dues were paid to applicant. Thereafter nothing more was heard of the matter and applicant moved this Tribunal. We admitted the application and ordered issue of urgent notice on 4.4.95. On 26.4.95 Mr TPM Ibrahim Khan entered appearance for respondents. In spite of several adjournments, no reply statement was filed. The matter was brought before us by the Registry and we granted further time to respondents to file a reply on payment of costs. Neither costs have been paid nor reply filed. The defence of respondents was hence struck off. We have heard counsel for applicant.

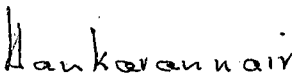
5. As already noticed, the benefit of 'Compassionate Allowance' was conferred on the applicant by A-3. A-3 was acted upon and payment of Provident Fund was made. Pension has not

been sanctioned or paid. No reason has been shown for not paying pension in terms of A-3. In these circumstances, we issue a direction to respondents to fix the pension('Compassionate Allowance') due to applicant within six weeks from today, and pay the same within four weeks of the date of fixing the pension. The time limit will be strictly adhered to. Since respondents have not filed a reply statement even after a counsel entered appearance for them, and after several adjournments, we feel that the parties should be alerted of this order. The Registry of this Tribunal will forward copies of this order to respondents 2&3(respondents 1&2 being the same person) for compliance.

6. Original Application is allowed as aforesaid. No costs.

Dated, the 1st August, 1996.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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List of Annexures

1. Annexure A3:- A true copy of the Order No. 724-E/12239/E III/Settlement. dt: Nil, February, 1994, issued by the 2nd respondent.
2. Annexure A4:- A true copies of the Pension Papers submitted by the applicant to the 2nd respondent.