

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.522/08

Tuesday this the 9th day of June 2009

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

D.Palanisamy,
Ex-C&W Khalasi, Southern Railway,
No.286, K.Block, Kuyavan Thittu,
Jeevanandam Road, Erode – 638 001.Applicant

(By Advocate Mr.Siby J Monippally)

Versus

1. Union of India represented by General Manager,
Southern Railway, Chennai.
2. The Senior Divisional Personal Officer,
Southern Railway, Palghat Division,
Palghat.Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 9th June 2009 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has filed this O.A aggrieved by the Annexure A-2 order passed by the Sr. DPO, Palghat rejecting his representation for grant of compassionate allowance on his removal from service.

2. The brief facts of the case are that the applicant was initially engaged as a Khalasi on 1.7.1978 at Erode. Thereafter, he was promoted as Khalasi Helper with effect from 12.4.1984. Because of his unauthorised



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absence from service a disciplinary proceedings was initiated against him and he was removed from service with effect from 1.6.1988. However, on his representation to the higher authorities, he was taken back in service as a fresh entrant with effect from 12.9.1991. The applicant again absented himself unauthorisedly from duty and he was again removed from service with effect from 7.12.1993. Thereafter, the applicant kept quiet for about 14 years and then made the Annexure A-1 representation dated 13.11.2007 to the Sr.DME, Palghat requesting to grant him compassionate allowance for the service rendered by him. By the impugned Annexure A-2 order Sr.DPO, Palghat, who is the competent authority in the matter, considered his case and rejected it.

3. Shri.Sibi J Monippally, learned counsel for the applicant, has submitted that the applicant belongs to Schedule Tribe community and he has no means for survival. Therefore, the competent authority should have considered his case for compassionate allowance. On the other hand, Shri.Thomas Mathew Nellimoottil, learned counsel for the respondents, opposed the contentions of the learned counsel for the applicant and argued that the applicant's case is highly belated. He has also submitted that the applicant deserves no compassion for grant of compassionate allowance to him.


4. I have heard the counsel for the parties and considered the issue. The provision for compassionate allowance is provided in Rule 65 of the Railway Services (Pension) Rules, 1993 which reads as under :-

"65. Compassionate allowance – (1) A railway servant who is dismissed or removed from service shall forfeit his pension and gratuity.

Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension.

(2) A compassionate allowance sanctioned under the proviso to sub rule (1) shall not be less than three hundred seventy five rupees per mensem."

5. The underlying reason for granting compassionate allowance is that the case of the applicant concerned should have been deserving one attracting special consideration. Granting compassionate allowance is entirely left to the discretion of the competent authority which considered his request and rejected it. Applicant is a person who did not learn from the punishments given to him twice during his service for his unauthorised absence from duty. Unauthorised absence in an organisation like the Railways is a very serious matter. Considering the applicant's request, the respondents had shown sympathy to him once, condoned his indiscipline and took him back as a fresh entrant. Even then he did not show any interest in his work and repeated his indisciplined behaviour. Moreover, he was removed from service lastly on 7.12.1993. He did not apply for any compassionate allowance for the last 14 years. The fact that he belongs to Schedule Tribe community is not a valid reason for granting compassionate allowance. I, therefore, do not find any reason as to why the respondents department should show compassion to the applicant and to grant him any compassionate allowance.



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6. In the above circumstances, the OA is dismissed. There shall be no order as to costs.

(Dated this the 9th day of June 2009)



GEORGE PARACKEN
JUDICIAL MEMBER

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