

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 159 of 2004

Friday, this the 5th day of March, 2004

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HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. K.B.B. Nair,
'Krishna Vilas',
Iringole PO, Perumbavoor,
Ernakulam.Applicant

[By Advocate Mr. T.A. Rajan]

Versus

1. Union of India, represented by the
Secretary, Ministry of Shipping,
New Delhi.

2. The Director,
Department of Light Houses and Light Ships,
'Deep Bhavan', Gandhi Nagar,
Kadavanthra, Kochi.Respondents

[By Advocate Mr. C. Rajendran, SCGSC]

The application having been heard on 5-3-2004, the
Tribunal on the same day delivered the following:

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HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant who had put in over 28 years' service
under the respondents was initially suspended from service on
23-3-1994 on account of his involvement in a corruption case.
The applicant was convicted and by Annexure A1 order dated
22-10-1999, the applicant was dismissed from service with
effect from 26-12-1997. The applicant's Criminal Appeal No.
64/1998 against the conviction order is pending before the
Hon'ble High Court of Kerala. Thereafter, the applicant, by
Annexure A2 representation dated 1-1-2004, requested the 2nd
respondent to grant him compassionate allowance on account of
his extremely penurious condition and the circumstances of
expensive medical treatment for himself and his wife. By a one

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line communication, Annexure A3 dated 11-2-2004, the applicant's request for sanctioning the compassionate allowance has been rejected as the respondents found that the same could not be acceded to. Thereafter, by Annexure A4 communication dated 23-2-2004, the respondents apparently amended Annexure A3 communication in the following manner:-

"Your request for sanctioning compassionate allowance cannot be acceded to at this stage as your case is sub-judice before the Hon'ble High Court of Kerala, Ernakulam."

2. The applicant's grievance is that the respondents have failed to judiciously consider Annexure A2 representation in the light of the proviso to Rule 41 of the CCS (Pension) Rules. Accordingly, the applicant seeks an order of this Tribunal setting aside the impugned Annexure A3 and A4 orders and a direction to the 2nd respondent to consider and dispose of Annexure A2 representation on merit.

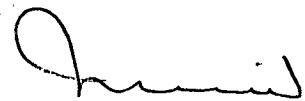
3. When the matter came up for consideration for admission, Shri C.Rajendran, learned SCGSC, who has taken notice on behalf of the respondents, has agreed that this OA could be disposed of at this stage itself by directing the 2nd respondent to consider the applicant's Annexure A2 representation and pass appropriate orders and serve a copy thereof on the applicant within a reasonable time. Learned counsel for the applicant is also agreeable to such a course of action being taken.

4. On a consideration of the facts of the case and the submissions made by the learned counsel on either side, I dispose of the Original Application by directing the 2nd respondent to consider the applicant's Annexure A2 representation in a fair and just manner keeping in mind the

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provisions of the proviso to Rule 41 of the CCS (Pension) Rules and pass appropriate speaking orders thereon with a copy to the applicant within a period of six weeks from the date of receipt of a copy of this order. No order as to costs.

Friday, this the 5th day of March, 2004



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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