

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No.379/2013

Friday, this the 6th day of December, 2013.

CORAM

Hon'ble Mr. Justice A.K. Basheer, Member (J)

R.Felsi
Ex-Postal Assistant
Neyyattinkara HO
Residing at Rajendra Mandiram
Kamukincodu, Kodungavila P.O.
Aralamoodu, Thiruvananthapuram-695 123.

Applicant

(By Advocate: Mr. Vishnu S. Chempazhanthiyil)

Versus

1. The Superintendent of Post Offices
Thiruvananthapuram South Postal Division
Thiruvananthapuram-695 036.
2. The Chief Postmaster General
Kerala Circle, Thiruvananthapuram-695 033.
3. The Director General & Secretary
Department of Posts, Dak Bhavan
Sansad Marg, New Delhi-110 001.

Respondents

(By Advocate: Mr. Sunil Jacob Jose, SCGSC)

The Original Application having been heard on 6th December, 2013, this Tribunal on the same day delivered the following order:-

ORDER

Applicant suffered an order of penalty of dismissal from service in a disciplinary proceeding initiated against her on the charge that she had fraudulently withdrawn amounts from the Savings Bank Accounts of subscribers while she was working as Postal Assistant. The said order of dismissal was confirmed by the High Court. It appears that the applicant had thereafter approached the competent authority with a request to grant her compassionate allowance as provided under Rule 41 of the CCS (CCA) Rules, 1965. The said request was turned down in Annexure R-1 order dated April 23, 2010. Thereafter the applicant is stated to have preferred Annexure A-4 & A5 representations/appeals with a prayer to sanction compassionate allowance.

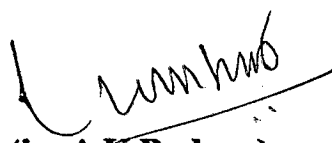
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2. The prayer in this Original Application is to issue a direction to respondent No.3 to consider Annexure A4 representation/appeal. There is a further prayer to direct the respondents "to consider grant of compassionate allowance to her".

3. Having heard learned counsel for the parties and having perused the materials available on record, I do not find any reason to retain this Original Application on the file any more. Grant of compassionate allowance being purely discretionary, the applicant is not vested with any absolute statutory right to pray for issue of a direction to the respondents to grant the same. While imposing the penalty of dismissal from service, the competent authority had not chosen to grant any such relief to the applicant. Annexure R-1 order declining the above request was passed in 2010. This OA has been filed in 2013. There is no plausible explanation for the delay nor am I satisfied that the delay is condonable. It is also brought to my notice that on a previous occasion, the applicant was proceeded against departmentally on a similar charge and on that occasion she was sent out of service. However, she was reinstated later.

4. In any view of the matter, I do not find any reason to show any indulgence or sympathy to the applicant. It will be open to respondent No.3 to consider Annexure A4 representation/appeal and take a decision thereon in accordance with law, if he so chooses.

5. The Original Application is dismissed.


(Justice A.K. Basheer)
Judicial Member