

CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 1081/1995

Date of Decision: 14.11.1996.

Shri Vasant Kashinath Athavale, Petitioner/x

Shri S. V. Palsuledesai, Advocate for the  
Petitioner/x

V/s.

The General Manager, Western  
Railway & Another. Respondent/s

Ms. Yashoda Shenoy for  
Shri V.S. Masurkar, Advocate for the  
Respondent/s

CORAM:

Hon'ble Shri P.P. Srivastava, Member (A).

~~XXXXXX~~

- (1) To be referred to the Reporter or not ? X
- (2) Whether it needs to be circulated to X  
other Benches of the Tribunal ?

  
(P. P. SRIVASTAVA)  
MEMBER (A).

os\*

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 1081/95.

Dated this Thursday, the 14th day of November, 1996.

CORAM : HON'BLE SHRI P.P. SRIVASTAVA, MEMBER (A).

Shri Vasant Kashinath Athavale,  
Unit No. 1, Bharatnagar  
Co.op. Housing Society Ltd.,  
Near Dombivli Gymkhana,  
Kalyan Road,  
Dombivli (East),  
District Thane.

... Applicant

(By Advocate Shri S.V. Palsuledesai)

VERSUS

1. The General Manager,  
Western Railway,  
Churchgate,  
Bombay - 400 001.

2. The Divisional Railway Manager,  
Western Railway,  
Bombay Division,  
Bombay Central,  
Bombay - 400 008.

... Respondents.

(Ms. Yashoda Shenoy for  
Shri V.S. Masurkar, Counsel for  
the Respondents).


ORDER (ORAL) :

! PER.: SHRI P.P. SRIVASTAVA, MEMBER (A) !.

The applicant was appointed as an Assistant Coaching Clerk on 20.03.1962. The applicant was <sup>in a</sup> ~~on a~~ *Adh* disciplinary case <sup>ARL</sup> ~~and was~~ dismissed from service on 02.05.1983. This punishment of dismissal, however was converted into that of removal from service. The applicant <sup>as fresh entrant</sup> *ARL* was reappointed as Trains Clerk w.e.f. 06.10.1983 and retired from service on 30.06.1993.

2. The counsel for the applicant confines his pleadings only to the fact that the previous service rendered by the applicant from 20.03.1962 to 02.05.1983, the date on which he was removed from service, would entitle him for consideration for compassionate grant in terms of para 309 and 310 of manual for Railway Pension Rules. It is seen that there is no prayer to that effect in the O.A. but the applicant has brought out the same in the grounds for reliefs. In the absence of any prayer, this relief cannot be considered in this O.A. However, the applicant would be free to submit a representation to the administration bringing out all the facts for grant of compassionate grants in terms of para 309 and 310 of the Railway Pension Rules, which the respondents are directed to consider within a period of four months from the date of receipt of representation.

3. The O.A. is disposed of with the above directions. There will be no order as to cost.

  
(P.P. SRIVASTAVA)  
MEMBER (A).