

(34)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

O.A.No. 1375/93

Dt. of Decision : 3.11.93

Jacob Mathews,
Block No. 3, Plat No.7,
Krupa Apartments,
Anand Bagh, Safilguda,
Hyderabad - 500 047.

.. Applicant

Vs

1. The General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad - 500 371.
2. The Chief Security Commissioner,
Railway Protection Force,
South Central Railway,
Rail Nilayam,
Secunderabad - 500 371.
3. The Divisional Security Commissioner,
Railway Protection Force,
South Central Railway,
Secunderabad-500 371.
4. The Security Commissioner,
Railway Protection Force,
South Central Railway,
Rail Nilayam,
Secunderabad - 500 371.

.. Respondents.

Counsel for the Applicant

: Mr.Ch. ~~Z.~~ Madapalli
Muttam

Counsel for the Respondents

: Mr.C.V.Malla Reddy,
SC for Rlys

CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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.....2.

TPJ

(36)

O.A.NO.1375/93

JUDGMENT

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE))

The applicant was removed from service on 23.4.1977 by way of punishment. This OA is filed praying for payment of pensionary benefits to the applicant. He relies on Para 309 of the Manual of Railway Pension Rules, 1950 for granting him the benefit as prayed for. Para 309 of the said rules is reproduced below:-

"No pensionary benefit may be granted to a Railway servant on whom the penalty of removal or dismissal from service is imposed; but to a Railway servant so removed or dismissed, the authority who removed or dismissed him from service may award compassionate grant(s)-corresponding to ordinary gratuity and/or death-cum-retirement gratuity-and/or allowances-corresponding to ordinary pension-, when he is deserving ~~xx~~ on special consideration; provided that the compassionate grant(s) and/or allowance awarded to such a Railway servant shall not exceed two-thirds of the pensionary benefits which would have been admissible to him if he had retired on medical certificate."

As per this para, no pensionary benefits may be granted to a Railway servant on whom the penalty of removal or dismissal from service is imposed, ^{but} the concerned authority after exercising its discretion can grant him compassionate grant corresponding to ordinary gratuity and/or Death-cum-Retirement Gratuity, if it is ^{a deserving} ~~deserved~~ case on special consideration.

In this view of the matter, we feel it fit and proper to pass

contd....

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the following order:-

"The applicant is free to approach the competent authority through a representation for grant of compassionate grant explaining the circumstances under which he requests for the same. The competent authority may use his discretion and dispose of the same within a period of six months from the date of receipt of the representation from the applicant."

2. The OA is accordingly ordered at the admission stage. No costs.

(R. RANGARAJAN)
MEMBER (ADMN.)

(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 3rd November, 1993.

Deputy Registrar (J)

vsn

To

1. The General Manager, S.C.Rly,
Railnilayam, Secunderabad-371.
2. The Chief Security Commissioner,
Railway Protection Force, S.C.Rly,
Railnilayam, Secunderabad-371.
3. The Divisional Security Commissioner,
Railway Protection Force,
S.C.Railway, Secunderabad-371.
4. The Security Commissioner,
Railway Protection Force, S.C.Rly,
Railnilayam, Secunderabad-371.
5. One copy to Mr. Ch. ^{Madhaviah} Madapalli Muttam, Advocate, Flat-19
II Floor, Block No.1, Krupa Apartments, Anandbagh,
Safilguda, Hyderabad.
6. One copy to Mr. C.v. Malla Reddy, SC for Rlys CAT.Hyd.
8. One spare copy.

pvm

132674
5/11/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

R. Rangarajan
THE HON'BLE MR. ~~A. B. GORTHY~~ : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 3 - 11 - 1993

~~ORDER~~ JUDGMENT:

M.A./R.A./C.A. No.

in

O.A. No. 1375/93.

T.A. No. (W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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