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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.434/99

dt.21-9-99

Between

Smt. P. Kasturi Bai

: Applicant

and

1. Asstt. Director
Lt. Col. Incharge
Military Farm, Secunderabad
AP State

2. Officer-in-charge
Military Farms Records
Delhi Cantt.

3. Col. Sainya Farm Up Nideshak
Dy. Director of Military Farms
Mukhyalaya, Dakshin Kaman
HQ Southern Command, Kirkee
Pune-3, Maharashtra

4. Director General of Military Farms
QM Genl. Branch Army HQ
West Block, RK Puram
New Delhi 110066

: Respondents

Counsel for the applicant : Y. Vijya Kumar
Advocate

Counsel for the respondents : Ms. Shyama
CGSC

Ceram

Hon. Mr. B.S. Jai Parameshwar, Member (Judl)

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Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member (J))

None for the applicant. Ms. Shyma, learned counsel for the respondents.

1. The applicant herein is the widow of late P.V. Krishna Kumar, who was an employee under Respondent No.1 who came to be removed from service with effect from 11-10-1982. He died on 15-9-1994.

2. The applicant is requesting the respondent authorities to consider her case for grant of compassionate allowance in accordance with Rule 41 of CCS(Pension) Rules, 1972.

3. Earlier the applicant had approached this Tribunal in OA.150/98. The said OA was decided on 25-3-1998 with the following directions :

The learned counsel for the applicant submits that the applicant is entitled for compassionate allowance in view of Rule 41 CCS(Pension) Rules and he also submits that the guiding principles for grant of compassionate allowance are given in GIFD Office Memo No.3(2)R.11/40 dated 22-4-1940 should be adhered to. It is for the respondents to decide whether the applicant is eligible for compassionate allowance and if so the quantum. In any case, the result of granting compassionate allowance shall also be informed to the applicant after taking a decision as to the eligibility or otherwise for grant of such allowance to the applicant by competent authority. If the applicant is eligible for grant of compassionate allowance the same shall be disbursed to the applicant within three months from the date of receipt of a copy of this order on furnishing necessary documents by the applicant showing that she is the legal heir of the deceased PV. Krishna Kumar entitled to receive the said sum.

4. In compliance with the directions, Respondent No.4 passed the impugned order dated 30-6-98 (Annex.2 to the OA) rejecting the claim of the applicant for grant of compassionate allowance.

5. The applicant has filed this OA for the following reliefs:

To settle and extend the benefit of grant of compassionate allowance as per the Rule 41 of CCS Pension Rules in accordance with guiding principles for grant of compassionate allowance, as the Applicant's late husband was a permanent Central Government employee having put in 20 years of qualifying service in the post of Lower Division Clerk at the time of his removal from service through an exparte order dated 11th October, 1982.

5. After considering the impugned order, I am of the opinion that Respondent No.4 has not at all disclosed any reasons as to how he came to the conclusion that the applicant is not entitled to compassionate allowance. It is not at all a speaking order. Hence the same is set aside.

6. The Respondent No.4 is directed to consider the case of the applicant for grant of compassionate allowance as indicated in OA.150/98 and take a suitable decision in accordance with the rules.

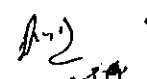
6. Respondent No.4 shall inform the decision to the applicant.

7. If the applicant is going to be aggrieved by the decision of Respondent No.4, he is at liberty to approach the proper judicial forum.

8. With the above direction the OA is disposed of. No order as to costs.


 (B.S. Jai Parameshwar)
 Member (Judl.)

Dated : Sept. 21, 1999
 Dictated in Open Court


 A.Y.
 M/TY.