

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

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FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 47 of 2001

OF 199

Applicant(s) Sonalal Dey

Respondent(s) Union of India & Ors.

Advocate for Applicant(s) U.K.Nair, U.K.Goswami

Advocate for Respondent(s) Railway Advocate.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but no intimation of donation before filing of application vide Petition No. 47 of 2001 dated 4.2.2001 for removal from service IPR/2001/421917</p> <p>Dated..... 4.1.2001.....</p> <p><i>Yours Dy. Registrar</i></p>	7.2.01	<p>Present: Hon'ble Mr.Justice D.N. Choudhury, Vice-Chairman and Hon'ble</p> <p>Heard learned counsel for the parties.</p> <p>Issue pertains to granting of compassionate allowance to the person who was removed from service. The applicant was working as BTM Mechanic in New Bongaigaon. After disciplinary proceedings he was removed from service on 27.7.77. The applicant though assailed the order of removal from service he could not succeed. The applicant has now confined his case for granting compassionate allowance. The applicant has already submitted the representation before the authority for granting him compassionate allowance which was admissible to him. The last representation was submitted by the applicant on April 1998. The matter is yet to be decided by the authority. Mr.U.K.Nair learned counsel for the applicant submitted that as per provi-</p> <p style="text-align: right;">contd/-</p>

Notes of the Registry	Date	Order of the Tribunal
27.2.2001 <i>Copy of the order has been sent to the D/Secy for issuing the same to the L/Advocates for the party.</i> HS	7.2.01	<p>sions of the Railway Service Pension Rules 1993 a railway servant who is dismissed or removed from service shall forfeit his Pension & Gratuity, if the case is deserving of Special consideration discretion is concerned on the authority to sanction a compassionate allowance not exceeding two third of Pension or gratuity or both which would have been admissible to him if he had retired. The provisions is made for sanctioning such compassionate allowance, the power itself is coupled with a duty and responsibility. Since the applicant has already submitted his representation and the matter pertains to the allowance on compassionate ground. Such matter should brook no delay.</p> <p>Upon hearing Mr.Nair learned counsel for the applicant and also Mr.S.Sengupta learned Railway Standing counsel, I am of the opinion that ends of justice will be met if a direction is given upon the respondents to consider and dispose of the Representation expeditiously, preferably within two months from the date of receipt of this order by a reasoned order as per law. The applicant may also file fresh representation to the authority praying for compassionate pension.</p> <p>Application is disposed of. No costs.</p> <p>lm</p>


 Vice-Chairman

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Officer
B.M. 22 JAN 2001
गुवाहाटी बैचारिक
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Officer
- NO. 231
गुवाहाटी बैचारिक
Guwahati Bench

Title of the case

OA No. 47/2001

BETWEEN

Shri Sonalal Dey. Applicants

- Versus -

Union of India & Ors. Respondents

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Filed by
Anni Dey
Advocate

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

GUWAHATI

O.A. No. 47 of 2006

BETWEEN

Shri Sonalal Dey,
S/o Late Prafulla Dey, Ex. BTM Mechanist
under Deputy Chief Mechanical Engineer,
NF Railway, New-Bongaigaon.

... Applicant

AND

1. The Union of India,
represented by the Secretary to the
Government of India, Ministry of
Railways, New Delhi.
2. The Chief General Manager,
N.F. Railway, Maligaon, Guwahati-11.
3. The General Manager (Personnel) N.F.
Railway, Maligaon, Guwahati-11.
4. The Deputy Chief Mechanical Engineer,
N.F. Railway, New Bongaigaon.
5. The Works Manager, Railway Workshop,
N.F. Railway, New Bongaigaon.

... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

This application is not directed against any particular order but has been directed against the arbitrary and illegal actions on the part of the Respondents in not sanctioning to the Applicant compassionate pension and the other dues receivable by

FILED &
RECORDED
TUESDAY
21 AUGUST
2006
APPLICANT
T. D. Dey
Advocate

him as per the provisions of the Railway Services (Pension) Rules, 1993.

2. JURISDICTION OF THE TRIBUNAL :

The Applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The Applicant further declares that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant is a citizen of India and a permanent resident of Assam and as such he is entitled to all the rights and privileges as guaranteed under the Constitution of India.

4.2 That the Applicant was initially appointed as Khalasi in the office of the permanent way Inspector, way back on 16.12.62. On 31.12.66 he was transferred and posted as BTM Mechanist in the office of the Works Manager, New Bongaigaon. While working as BTM Mechanist, the Applicant was removed from his services on 27.7.77 on the charge of having sold a Railway pass for Rs. 15/-. The Applicant also assailed the order of his removal from service before this Hon'ble Tribunal by way of OA No. 9/87, which was dismissed on the

ground of limitation. Thereafter due to financial constrains the Applicant could not pursue his case at the higher forums. The Applicant thereafter prayed before the authorities for sanction of compassionate allowance as per the provisions of the Railway Services (Pension) Rules, 1983. The matter was processed at different levels of the N.F. Railway Administration but the same is till date lying unsettled. The Applicant who has no source of income is reduced to the status of a beggar and inspite of being in full knowledge about the pitiable condition of the Applicant, the Respondents are yet to wake up from their deep sleep and pass orders sanctioning the pension to the Applicant. The repeated pleas made by the Applicant having failed to evoke any response, he has by way of this application come under the protective hands of Your Lordships praying for redressal of his grievance.

4.3 That the Applicant was initially appointed as Khalasi on 16.12.62 and was posted as such in the office of the permanent way Inspector, New Bongaigaon. On 31.12.66 he was transferred to the Railway workshop and was appointed/engaged as BTM Mechanist. The Applicant discharged the responsibilities entrusted upon him to the best of his ability and without blemish to any quarter.

A copy of the certificate issued by the Asstt. Works Manager, N.F. Railways, New Bongaigaon and the combined seniority list of

Khalasis/Mechanic, Tool Mechanic as on 1.4.70 is annexed hereto as Annexure-1 and 2 respectively.

4.4 That while working as BTM Mechanist at the Railway workshop, New Bongaigaon a Departmental Proceeding was drawn up against the Applicant on the charge of having sold a class 2 Railway pass bearing No. E-84140 dated 26.2.75 of Shri Ram Lakhman, station porter to one Nandalal Rajbhor, Station Porter. The Applicant vide his reply dated 5.6.76 showed cause against the charge framed against him. The works manager, N.F. Railway, New Bongaigaon, on being not satisfied with the reply given by the Applicant, proceeded vide order under No. E/DAR/420 dated 27.7.77 to impose the penalty of Removal from service on the Applicant. Pursuant to receipt of the said order the Applicant preferred an appeal which was also dismissed. It is pertinent to mention here that no departmental enquiry was held and the order of removal was imposed upon the Applicant without affording him an opportunity of hearing.

Copies of the order dated 27.7.77 and the order of the appellate authority is annexed hereto as Annexure-3 and 4 respectively.

4.5 That the Applicant states that the Annexure-3 and 4 orders dated 27.7.77 and 29.12.77 were assailed by him before this Hon'ble Tribunal by way of filing OA being G.C. case No. 9/87. This Hon'ble Tribunal vide its order dated 2.1.87 passed in the said case was pleased

to dismiss the application on the ground of limitation. The Applicant due to financial constrains could not pursue his case at higher forums.

Copy of the order dated 2.1.87 is annexed hereto as Annexure-5.

4.6 That pursuant to being removed from service the Applicant made repeated representations for reinstatement and/or for grant of pensionary benefits. Further the Applicant prayed for release of his contributions towards Provident Fund, GIS etc. But the same remained unpaid and the Applicant continued to suffer.

4.7 That your Applicant states that on receiving no response from the authorities of the N.F. Railway administration as regards his prayers/ for reinstatement in service and/or for grant of pension, he vide his letter dated 23.3.91 prayed before the President of India to interfere in the matter. The letter of the Applicant was duly acknowledged by the office of the Hon'ble President of India vide acknowledgement dated 13.5.91 with direction to the Applicant to make further correspondences with the Secretary to the Government of India, Ministry of Railways, as his grievances were duly forwarded to him. It is pertinent to mention here that inspite of the said development nothing positive materialised and the Applicant continued to suffer.

Copy of the communication dated 13.5.91 is

annexed hereto as Annexure-6.

4.8 That the Applicant continued to represent before the authorities praying for redressal of his grievances, pursuant to one such representation, the G.M.(P), N.E. Railways i.e the Respondent No 3 ,vide his letter dated 26.6.98 directed the Deputy Chief Mechanical Engineer, New Bongaigaon to furnish the service particulars of the Applicant. The Deputy Chief Mechanical Engineer, in response to the said directive issued to him, vide his letter dated 28.6.98 furnished the service details of the Applicant to the Respondent No .3 and ,interalia, prayed for guidance for amicable settlement of the case. In the letter dated 28.6.98 it was specifically mentioned that inspite of the fact that the Applicant prayed for grant of admissible pensionery benefits ~~from~~ time to time, the same was not granted to him.

Copies of the letters dated 26.6.98 and 28.6.98 are annexed hereto as Annexures- 7 and 8 respectively.

4.9 That the Deputy Chief Mechanical Engineer, New Bongaigaon requested the G.M.(P) to send his guidance for settlement of the case of the Applicant for sanction compassionate pension. In response to the said letter dated 1.2.99 the Respondent No 3, directed the Deputy Chief Mechanical Engineer, vide his letter dated 13/19.4.99 to furnish the records of the DAR case drawn

up against the Applicant. Further the Deputy Chief Mechanical Engineer was requested to certify the date of birth, date of appointment of the Applicant for taking necessary action towards grant of compassionate pension. The said correspondence clearly goes to show that the authorities have taken the decision to sanction compassionate pension to the Applicant but are delaying the actual release of the same on some untenable grounds unmindful of the fact that the Applicant and his family are starving and are maintaining themselves practically through begging.

Copies of the letters dated 1.2.99 and 13.4.99 are annexed hereto as Annexures 9 and 10 respectively.

4.10 That the Applicant states that as his original service file was reported to have been misplaced he accordingly helped in reconstruction of the same and to the best of his knowledge the same has already been forwarded to the Headquarters of N.F. Railways at Maligaon. The Railways who are "Model Employer" ought not to have taken such long time in releasing a benefit like compassionate pension admissible to the Applicant under the Rules. From the correspondances stated above it can be inferred that the authorities of N.F. Railway administration have already taken the decision to grant the said benefit to the Applicant, but are delaying the actual release of the same on flimsy grounds.

4.11 That your Applicant states that the Railway

b

Service (Pension) Rules 1993, lays down that a Railway servant dismissed or removed from service shall if the competent authority so desires be sanctioned a compassionate allowance not exceeding two thirds of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension. Rules 64 deals with compassionate pension.

Extracts of the relevant provisions of the railway service (pension) Rules 1993 are annexed hereto as Annexure-II Series.

4.12 That the Applicant submits that till removal from service he has put in about 16 years of service. He was removed from service without holding any regular enquiry and the Applicant for want of financial resources could not pursue his case before the Courts of law promptly. The Railway authorities basing on the representations preferred by him have already decided, as can be inferred from the correspondances made between the Respondents, to grant him compassionate pension, but have been delaying the actual release of the same on some flimsy grounds. Due to the inaction on the part of the authorities in implementing the decision taken by them for grant of the said pensionary benefit promptly, the Applicant is forced to suffer along with his family.

4.13. That your Applicant submits that he had been following up with the authorities as regards his prayer for grant of compassionate pension. He has also helped

in reconstruction of his file which was stated to have been misplaced. Inspite of the above developments and also the decision taken by the authorities to sanction the compensation pension to the Applicant, the authorities are sitting over the matter forcing the Applicant to undergo great mental agony in addition to financial hardships.

4.14 That pursuant to being removed from service the Applicant has no source of income and has been maintaining himself and his family from the generous help advanced to him by his well wishers and friends. It can be said that the status of the Applicant has been reduced to that of beggar.

4.15 That your Applicant submits that due to the inaction on the part of the Respondents in implementing the said decision arrived at to pay the Applicant compensation pension, the Applicant who is at present suffering from various ailments is forced to suffer inasmuch as he does not have the financial resources to get himself treated for the same. If the ailments suffered by him do not take his life then he would die shortly die due to starvation along with his family members.

4.16 That your Applicant submits that it is a fit case wherein your lordships would be pleased to interfere in the matter and direct the Respondents to act like a model employer and to forthwith sanction compensation pension and gratuity to the Applicant and further to

release the other financial benefits admissible to the Applicant like Provident fund, GIS etc.

4.17 That this application has been made bonafide, for securing the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the Applicant was deprived of his service without following the due process of law and in clear violation of the principles of natural justice.

5.2 For that the Railway Service (Pension) Rules, 1993 clearly provides for grant of compensation pension to Railway servants situated like the Applicant. Inspite of being entitled to compensation pension and gratuity and the authorities having taken a decision to sanction the same to him the delay occasioning in the actual release of the same has the effect of depriving the Applicant from his legitimate dues.

5.3 For that from the correspondence between the authorities it is clear that a decision has been taken for grant of compassionate pension to the Applicant. The only details that was asked for vide letter dated 13.4.99 (Annexure-10) was as regards the date of birth and date of appointment of the Applicant. The Applicant has already furnished the same before the authorities. Further the Annexure-1 certificate clearly shows that the said dates are very much to the knowledge of the Respondents. As such the inordinate delay occasioning

in passing orders towards grant of the said benefit to the Applicant has the effect of defeating the very purpose for which the provisions were incorporated in the said Rules for grant of compensation pension.

5.4 For that due to the inaction on the part of the Respondents in promptly sanctioning the benefits due to the Applicant, his status has been reduced to that of a beggar. Being a model employer the Respondents ought not to have dealt with the matter invoking the question of life and death of the Applicant in such a causal manner.

5.5 For that the nature of charge framed against the Applicant and the manner in which the proceedings were conducted against him clearly entitled the Applicant to be paid the compensation pension so as to minimise the illegalities meted out to him to a certain extent.

5.6 For that the impugned action on the part of the Respondents has the effect of reducing the Applicant as a pauper and any further delay would have the effect of depriving the Applicant and his family of their lives.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both factual as well as legal at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED

The Applicant declares that he has no other alternative and efficacious remedy except by way of

filling this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the Applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

8.1 To direct the Respondents to sanction compensation pension and gratuity to the Applicant from the date of his removal from service i.e. from 3.1.76

8.2 To direct the Respondents to pay to the Applicant the dues receivable by him like under the heads Provident Fund, Group Insurance Scheme etc.

8.3 To direct the Respondents to pay to the Applicant any other due/dues receivable by him for the service rendered by him.

3.4 Cost of the application.

3.5 Any other relief/reliefs to which the Applicant is entitled to.

9. INTERIM ORDER PRAYED FOR :

Under the facts and circumstances of the case, the Applicant prays for an interim order by way of a direction to the Respondents to forthwith pay to the Applicant the dues receivable by him for the service rendered by him in the department and/or be pleased to pass such further order/orders as Your Lordships may deem fit and proper.

10. *****

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

- i) I.P.O. No. : 6G 771824
- ii) Date : 29.12.2000
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

VERIFICATION

I, Shri Sonal Dey, aged about 59 years, son of Late Prafulla Kumar Dey, resident of New Bongaigaon, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4.1 to 4.7, 4.10 to 4.11, 4.16 and 5 to 12 are true to the best of my knowledge ; those made in paragraphs 4.8 and 4.9 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this the 16 th day of December 2000.

Sonal Dey

TO WHOM IT MAY CONCERN
SERVICE AND RESIDENTIAL CERTIFICATE

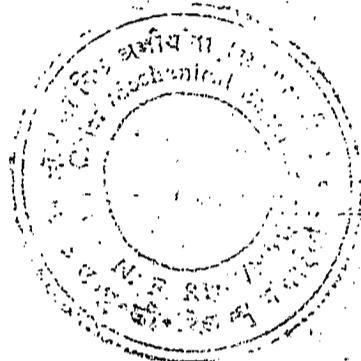
Certified that Shri Sonalal Dey was originally appointed as Khalasi on 16.12.62 under the permanent way Inspector, New Dengaigaon under Divisional Engineer, Alipurduar Junction. He was transferred to Rly. Workshop under the then Works Manager, New Dengaigaon as Khalasi on 31.12.66. He was subsequently removed from Rly. service with effect from 3.1.73.

Since his appointment on 16.12.62 in the Railway, Shri Dey has been residing in the New Dengaigaon, Dengaigaon area along with his family members.

10.8.96

Asstt. Works Manager
R.F.Rly., New Dengaigaon
workshop.

Asstt. Works Manager
R.F.Rly., New Dengaigaon



Attested
Anil Dey
Advocate

Attested
Anil Dey
Advocate

Provisional Combined seniority list of the 165/Machine Tool
and Wheel Shop as on 1.4.70. Date of Birth IS/BC

Sl. No.	Name	Date of Birth
1.	AG. M. Basu M. Das	19.7.28
2.	G. Choudhury	5.2.65
3.	Chatterjee	1.1.65
4.	Sunder	1.1.65
5.	P. Ray	13.1.65
6.	Das	1.1.65
7.	Das	1.1.65
8.	R. Das	19.3.21 10.65
9.	R. Das	24.2.21 12.6.65
10.	M. Nahar	3.1.21 15.6.65
11.	D. N. Basu	6.2.21 19.3.65
12.	J. Chatterjee	5.3.43 12.6.65
13.	M. N. Saha	25.6.67 1.6.65
14.	M. M. Sarker	16.7.67 20.4.66
15.	Ramini K.	4.5.21 14.5.65
16.	Das	3.6.21 1.8.66
17.	Surajit Bhattacharya	7.7.21 1.3.66
18.	E.C. Das	1.1.21 1.7.65
19.	A. K. Paul	3.8.21 1.8.65
20.	G. C. Bhattacharya	12.2.21 1.1.65
21.	Ramita Prasad	1.2.21 1.1.65
22.	Sonali Das	8.1.21 1.1.65
23.	P. Bhattacharya	15.7.21 1.1.65
24.	S. K. Acharya	1.1.21 1.1.65
25.	C. Bhattacharya	22.6.21 1.1.65
26.	J. Paul	30.6.21 1.1.65
27.	S. Karim	1.2.21 1.1.65
28.	J. N. Bhattacharya	15.7.21 1.1.65
29.	D. Bhattacharya	15.7.21 1.1.65
30.	R. Bhattacharya	22.6.21 1.1.65
31.	M. C. Saha	1.10.41 1.7.63
32.	Bonoda Bhattacharya	1.3.20.5.68
33.	D. N. J.	1.4.20.5.68

N.B.: The seniority of the above is subject to examination.

After 6
for
advance

17- 3
N.R. RAILWAY.

Annexure-3

Notice of imposition of penalty of removal
dismissal from service and compulsory.

No. E/DAR/420

Date 27.7.77

To

Shri Sonalal Dey

Father's name Pratulal Dey.

Designation B.T.M. Mechanist

Department Mech (SS/BSS/NBQS)

T/No. 325 Date of appointment 16.12.62

Station NBQS Scale of pay Rs. 210-270
(Rs)

1. After careful consideration of your explanation dated 5.6.76

to the Charge sheet No. ES/420 dated 29.5.76 issued

by W.M./NBQS and also your explanation dated 9.6.76 to

the notice of imposition of the proposed penalty No. E/420

dt. 9.6.77, it is held that the following charges have been proved
against you, 'That Shri Sonalal Dey alias Shankar while
functioning as B.T.M./Mechanist in the Machine shop at NBQS,
NFRy. during ~~the year~~ 1975 failed to maintain absolute integrity
in as much as he sold Class Two Pax no E-09140 dt. 20.2.75
Ex. NBQ to ~~to~~ ~~Shri~~ Ram Lakhman Jodav, ~~3m. post~~
to Shri Nandlal Rajbhor st. Party at Rs. 15/- which was detected
on 29.2.75 by Shri Salil Dutt Roy IC while on duty and recovered
from the possession of Shri Ram Pare, ~~3m. post~~ ~~workman under 10W/BG/NFR/NBQ~~
and he thereby violated the Provision of sub-para (1) of Rule 3(1)
of Ry. Services (Conduct) Rules, 1966.'

-- You are hereby informed that in accordance with the orders
passed by W.M./NBQS, you are hereby compulsorily removed
from services w.e.f. 27.7.77.

Date 27.7.77

Signature _____

Designation _____

W.M./NBQS

Station _____

Note:- Please see instruction on reverse.

P.T.O.

Attested
for
Advocate

No. 5 DAR/420
Dt. 20-12-77.

Office of the
Works Manager,
R.F.Rly/420

To:

Shri Sonalal Dey, Ex. GM/Ex. Admin.

Address:

Re: Your appeal dated 17/12/77 addressed to CME/420.

CME(P)/MLG vide his letter No. E/74/101/42(M) L Dt. 20-12-77 has informed this Office that CME, the appellate authority in this case, has very carefully gone through the appeal submitted by you and observed as under:-

Having gone through the papers it is considered that the charge is proved against the appellant. The reasons for his removal from service are confirmed.

Copy to:- F.S. Section for arranging interview and necessary action for arranging payment of issues to Shri Sonalal Dey, Ex. GM/Ex. Admin.

Works Manager
XW-201/420

At work
for
Ex. Admin.

- 19 - D. 10. 11. 1987

CENTRAL ADMINISTRATIVE TRIBUNAL.
GUWAHATI BENCH :::::::GUWAHATI.
GUWAHATI CASE NO. 9 OF 1987.



Sri Sonalal Dey.

... Applicant.

-Vs-

Union of India & Ors.

... Respondents.

P R E S E N T.

HON'BLE JUSTICE SHRI D. PATHAK, VICE CHAIRMAN.

HON'BLE SHRI S.P. HAZARIKA, MEMBER.

For the Applicant:- Mr. S.R. Bhattacharjee,
 Mr. H.A. Sarkar. Advocates.

For the Respondents:- Mr. B.K. Sharma, Bly Advocate.

Date.Order.

2-1-87.

Heard Mr. S.R. Bhattacharjee, the
 learned counsel for the applicant.

This application is directed against
 the order of removal after holding an enquiry
 by the competent authority on 27-7-77. The
 applicant also preferred an appeal under the
 rules governing the case. The appellate authority
 dismissed his appeal on 30th December, 1977. The
 petitioner also filed some representations before
 the General Manager, but it has not been brought
 to our notice under what provision of law such
 representations have been filed. Repeated
 representation do not save limitation. We find
 that this application has been in the Tribunal
 after an inordinate delay. In view of this
 factual situation, we do not find it just and
 proper to entertain this application, and
 accordingly the same is dismissed.

Sd/- D. Pathak.
 Vice-Chairman.

Sd/- S.P. Hazarika.
 Member.

Certified to be true copy
 (6/11/87)
 Dated: Registrar,
 Central Administrative Tribunal,
 Guwahati.

Attested
 by the
 Advocate

- 20 -

PRESIDENT'S SECRETARIAT
PUBLIC - I SECTION

Annexure - 6

Ref. No. 32675
Date 13-May-81

Rashtrapati Bhavan
NEW DELHI - 110004

Dear Sir / Madam,

I write to acknowledge the receipt of your communication dated 21 which has been forwarded to the Secretary to the Government of India, Ministry of RAILWAYS (RAILWAY BOARD) Department of

New Delhi, for appropriate action.

Any further communication on the subject may please be addressed to him direct quoting the above reference number.

Yours faithfully,

Kawalrao Dab

for Secretary to the President

REGD. POST

ON INDIA GOVERNMENT SERVICE

SHRI. SONALAL DEY

GR. NO. N/278/5, NORTH WEST COL.

NEW BONGAIGAON

BONGAIGAON



President's Secretariat,
Rashtrapati Bhavan,
New Delhi - 110004

Attested
for Mr
Advocate

N.E.RAILWAY

Office of the
General Manager(P)
Maligaon, Guwahati-11.

NO.O.E/NPF/MISC/W(M).

Dt. 26.6.93.

To
Dy.CME/NEQS

30
S.A. - 93

Sub:- Shri Sonalal Dey, ex-BEI Machinist under
Dy.CME/NEQS - his prayer for grant of
compassionate pension.

The above-named Shri Sonalal Dey, ex-BEI Machinist
who was working under Dy.CME/NEQS and was removed from
service w.e.f. 27.7.77 has now applied for compassionate
pension vide his application of April'93.

In view of this, you are requested to furnish
detailed history of the case to enable to arrive at
a decision in this respect.

(Signature)
BPO(M) 26/6/93
for General Manager(P)/MLG.

S/C

Attested
Anu. Mohan
Advocate

N.F. Railway,

Office of the
Dy. Chief Engg. Engineer,
Howrah Dabongiaon.
dt/-23.8.93

No. E/M/257/1-Pt.XI

To

The General Manager (P),
N.F. Railway/Maligaon.

Sub:- Compassionate Pension in favour of
Shri Sengalal Dey, Ex. B.T.M. Mechanist
under Dy.CME/RBQS.

Ref:- Your L/No. E/NFR/Misc/G dt. 26.6.93
30
3.7.93.

...

In response to your letter quoted above, the following informations have been made for further disposal of the case of Shri Sengalal Dey, Ex. B.T.M. mechanist.

- 1) The party concerned removed from Rly. service w.e.f. 27.7.77
- 2) The exact date of superannuation is 31.12.92 excluding 2 years.
- 3) Though he has been removed from Rly. service he is not yet getting any admissible pensionary benefit till to date though the party applied for the same time to time.
- 4) In this reference the copy of the GM (P)/MLG's L/No. E/301/Misc (G) Pt.X dated 27.9.93 may be taken in to consideration which was conveyed to Shri Sengalal Dey (copy enclosed)
- 5) Regarding re-instatement of Shri Sengalal Dey, P.O. No. Misc dt. 10.12.91 of Sri N. Roy, the then Dy.CME/RBQS may be taken into consideration (copy enclosed). Attempt for trace out the case file of Sri Sengalal Dey was also made, but the case is now bearing about 18 years old and the same could not be located.

Under the above circumstances you are requested to send your guidance for amicable settlement of the case.

An early action is requested.

QJ-22.8.93
for Dy.CME (C&W)/RBQS

SIC

Attested
S. N. Roy
Advocate

-23-

Annexure-9

2d

H.F. Railway

Reminder

Office of the
Dy. Chief Mech. Engineer,
New Dangalaganj.

No. E/1/257/1/mtt.XI

at/- 01.02.93

To

The General Manager (P)
H.F.Rly/Malibazar.

Sub:- Compassionate pension in favour of
Shri Sonalal Dey, Ex.BTM/Mechinist
under Dy.CME/MBQS.

Ref:- Your L/No.E/N.F.R/Misc/W(4) dt. 26.6.93
and this office letter of 30.6.93
even No.dt. 23.3.93.

Please refer to this office letter of even No.dt. 23.3.93
and arrange to send your guidance for amicable settlement
of the case of Shri Sonalal Dey, Ex.BTM/Mechinist for
compassionate pension.

In this connection all relevant papers submitted by
Shri Sonalal Dey and a copy of this office letter No.
dated 23.3.93 are also enclosed again for your further
necessary disposal please.

$$\begin{aligned} DA &= 8 (\text{Cum}) + 1 \\ &= 9 (\text{min}) \end{aligned}$$

QJ 1-2-93
for Dy.CME(C&M)/MBQS.

Attested
D. N. Datta
Advocate

-24-

Annexure-1D

N.F.RAILWAY

Office of the
General Manager(P)
Kaliyaganj, Guwahati-11.

Dt. 13.04.99.

No. E/NFR/MISC/W(M)

19

To
Dy.CME/NBQ

Sub:- Compassionate allowance in favour of
Shri Sonnail Dey, Ex-BTM/Machinist
under Dy.CME/NBQ.

Ref:- Your letter No. E/M/257/1/Pt.XI dated
1.2.99.

Please arrange to send the DAR case of Shri Sonnail Dey, BTM/Machinist under Dy.CME/NBQ who was removed from service w.e.f. 27.7.77 as without the DAR case the case of compassionate allowance in favour of Shri Sonnail Dey can not be processed. Shri Dey met C20 a few days back but could not show the original documents particularly EIP (notice of imposition of penalty) and thus for want of the same the case of compassionate allowance in favour of Shri Dey could not be processed.

It is, therefore, requested to kindly send the original DAR case as also to certify his date of birth, date of appointment etc. so that necessary action can be taken to decide the issue.

An early action is requested.

for General Manager(P)/MLG.
13.4.99

S/C

Alitaskar
Advocate



भारत सरकार

रेल मंत्रालय

(रेलवे बोर्ड)

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

रेल सेवा (पेंशन) नियम 1993
RAILWAY SERVICES (PENSION) RULES 1993 (EXTRACT)

Attested
L. N. M. B.
Advocate.

11 We considerAB to be completely and permanently incapacitated for further service of any kind (or in the department to which he belongs) in consequence of....(here state disease or cause). His incapacity does not appear to me to have been caused by irregular or intemperate habits."

Note : If the incapacity is the result of irregular or intemperate habits, the following will be substituted for the last sentence :—

In my|our opinion his incapacity is directly has been due to accelerated or aggravated by irregular intemperate habits.

(if the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made) :—

I am|We are of the opinion that.....AB is fit for further service of a less laborious character than that which he has been doing (or may, after resting for.....months be fit for further service of a less laborious character than that which he has been doing).

60. Reasons for medical opinion of incapacity or under statement of age.—If the medical authority considers a railway servant incapacitated for further service by general debility while still under the age of fifty-eight years, it shall give detailed reasons for its opinion. If the medical authority considers him to be above fifty-eight years of age, it shall state its reasons for believing the age to be understated :

Provided that in doubtful cases, a second medical opinion shall be obtained.

61. Requirement of details in the certificate.—A mere certificate that inefficiency is due to old age or natural decay from advancing years shall not be deemed to be sufficient for retiring a railway servant on invalid gratuity or pension.

62. Date of invalidation.—A railway servant, who is declared by the medical authority referred to in rule 55 to be completely and permanently incapacitated for further service shall, if he is on duty, be retired from service from the date of relief of his duties which shall be arranged without delay on receipt of a report from the medical authority or if, he

is granted leave under rule 522 of the Code on the expiry of such leave but if he is on leave at the time of receipt of the medical certificate, he shall be retired from service on the expiry of such leave or extension of leave if any granted to him under rule 522 of the said code.

63. Compensation Pension.—(1) If a railway servant is selected for discharge owing to the abolition of his permanent post, he shall, unless he is appointed to another post the conditions of which are deemed by the authority competent to discharge him, to be at least equal to those of his own have the option—

- of taking compensation pension to which he may be entitled for the service he had rendered, or
- of accepting another appointment on such pay as may be offered and continuing to count his previous service for pension.

(2)(a) Notice of at least three months shall be given to a railway servant in permanent employment before his services are dispensed with on the abolition of his permanent post.

(b) Where notice of at least three months is not given to the railway servant and he has not been provided with other employment on the date on which his services are dispensed with, the authority competent to dispense with his services, may sanction the payment of a sum not exceeding the pay and allowances for the period by which the notice actually given to him falls short of three months.

(c) No compensation pension shall be payable for the period in respect of which he received pay and allowances in lieu of notice.

(3) In case a railway servant is granted pay and allowances for the period by which the notice given to him falls short of three months and he is re-employed before the expiry of the period for which he has received pay and allowances he shall refund the pay and allowances so received for the period following his re-employment.

(4) If a railway servant who is entitled to a compensation pension accepts instead another appointment under the railways and subsequently becomes again entitled to receive a pension of any class, the amount of such pension shall not be less than what he could have claimed if he had not accepted the appointment.

2) के कम जिस पेशन 64. **Compulsory retirement pension.**—(1) A railway servant compulsorily retired from service as a penalty may be granted, by the authority competent to impose such penalty, pension or gratuity, or both at a rate not less than two-thirds and not more than full compensation pension or gratuity, or both admissible to him on the date of his compulsory retirement. *Not*.

(2) Whenever, in the case of a railway servant the President passes an order (whether original, appellate or in the exercise of power of review) awarding a pension less than the full compensation pension admissible under these rules, the Union Public Service Commission shall be consulted before such order is passed.

Explanation.—In this sub-rule, the expression “pension” includes “gratuity”.

(3) A pension granted or awarded under sub-rule (1) or, as the case may be, under sub-rule (2), shall not be less than three hundred seventy five rupees per mensem.

65. **Compassionate allowance.**—(1) A railway servant who is dismissed or removed from service shall forfeit his pension and gratuity :

Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension.

(2) A compassionate allowance sanctioned under the proviso to sub-rule (1) shall not be less than three hundred seventy five rupees per month.