

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT INDORE

Original Application No. 967 of 2005

Indore, this the 18th day of October, 2005

Tajsimgh, S/o. Karma,
aged : 51 years,
Village : Bhairengarh,
Tehsil : Thandla,
District : Jhabua (MP).

... Applicant

(By Advocate - Shri A.N. Bhatt)

V E R S U S

Union of India & Ors :
Represented by :

1. The General Manager,
Western Railway, HQ Office,
Churchgate, Mumbai - 20.

2. The Divisional Rail Manager,
Western Railway, DRM Office,
Do-batti, Ratlam (MP). ... Respondents

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

Heard the learned counsel for the applicant.

2. By filing this Original Application the applicant has claimed the following main reliefs :

"8.1 to direct the respondents to grant the compassionate allowances as well as gratuity,

8.2 to direct the respondents to pay the amount of Group Insurance and other settlement dues,

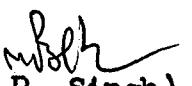
8.3 to pay all the consequential benefits, arrears, interest etc. may also kindly be allowed."

3. The brief facts of the case are that the applicant was engaged as a Casual Labour with the respondents Railways. Thereafter, he was granted temporary status and after screening he was given regular appointment from 22nd October, 1980. The applicant has remained absent from duty unauthorisedly and the respondents have issued charge sheet and disciplinary proceedings were started against the

applicant. The applicant has not participated in the enquiry and the disciplinary authority passed the order of removal from service on the applicant vide order dated 20th November, 1995. The applicant has not filed any appeal challenging the order of the disciplinary authority nor he has filed any revision. The applicant has not availed the departmental remedies available to him and after such a long delay he has approached this Tribunal claiming the retiral benefits and compassionate grant. It is a settled legal proposition that the person who is removed from service is not entitled for any retiral dues. Hence, as the applicant is removed from service and as he has not availed the departmental remedies available to him the retiral dues claimed by him cannot be granted. It is also a settled legal proposition by the Hon'ble Supreme Court in the case of Union of India Vs. Harmam Singh, 1993 (2) SCC 162, that a Government servant who sleeps over his right cannot get the benefit after a long period.

4. Considering the facts and circumstances of the case, we are of the view that this Original Application is liable to be rejected. Accordingly, the same is rejected at the admission stage itself.

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(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

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