

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 609 of 1999

Jabalpur, this the 18th day of August, 2003

Hon'ble Shri D.C. Verma, Vice Chairman (Judicial)
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Smt. Jyoti Charles, Wd/o Alongton,
Prakash Charles, aged 46 years,
r/o Traffic Line Quarter No. 18/4,
South Eastern Railway, Nainpur,
Distt. Mandla (MP).

... Applicant

(By Advocate - Shri Komal Patel)

Versus

1. The Union of India,
Through the Secretary,
Railway Board, New Delhi.
2. The Senior Divisional Manager,
Railway South Eastern Railways,
Nainpur (MP).

... Respondents

(By Advocate - Shri M.N. Banerjee)

ORDER (Oral)

By D.C. Verma, Vice Chairman (Judicial) -

By this Original Application the applicant has claimed full retiral benefits of her late husband and has also claimed gratuity and full family pension including arrears of 5th Pay Commission.

2. The brief facts of the case is that the applicant's husband Alongton Prakash Charles was initially appointed as Khalasi and was promoted as Assistant Driver. Mr. Charles was however charge sheeted and removed from service vide order dated 07.05.1996. The appeal against the said order was also dismissed. However the appellate authority found the case as deserving case for special consideration and ordered for compassionate allowance not exceeding 2/3rd to be paid as compensation pension. The employee i.e. Mr. Charles subsequently expired. The order of dismissal was not challenged

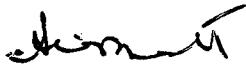
before any court of law. The widow i.e. the present applicant filed an Original Application No. 473/1999 for family pension and for appointment on compassionate ground. Though it was a case of plural remedy the Original Application was considered and was dismissed with regard to compassionate appointment as it was found that the late employee had died after dismissal from service. The present Original Application has now been filed by the applicant to claim gratuity and full retiral benefits.

3. The respondents have contested the applicant's claim and have filed a reply.

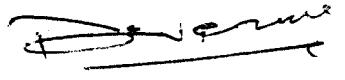
4. Counsel for the parties have been heard at length.

5. If an employee is dismissed or removed from service he is not entitled for retiral benefits. Hence claims thereof cannot be made by the applicant. The respondents have themselves considered for compassionate allowance under Rule 65 of the Railway Services Pension Rules, 1993 and was directed to pay by the appellate authority. The learned counsel for the respondents have submitted that after the death of the employee the family pension has been sanctioned under Rule 75 Sub Rule 2-C and 4(1)(b) of the Railway Services Pension Rules and that is being paid to the applicant.

6. The claims with regard to the other reliefs cannot be granted. Accordingly the Original Application is dismissed. Costs easy.


(Anand Kumar Bhatt)
Administrative Member

"SA"


(D.C. Verma)
Vice Chairman (J)