

18.05.2009

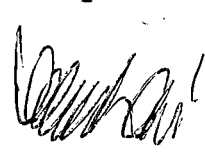
OA No. 165/2009 with MA 111/2009

Mr. S.L. Songara, Counsel for applicant.

Heard learned counsel for the applicant.

For the reasons dictated separately, the
OA is disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 18th May, 2009

ORIGINAL APPLICATION NO. 165/2009

With

MISC. APPLICATION 111/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Pappu son of Shri Prabhati Harijan, age 46 years, resident of Railway Colony, Bayana Railway Station, Bayana, District Bharatpur, Rajasthan, Ex. Box Boy at Kota Railway Station.

.....APPLICANT

(By Advocate: Mr. S.L. Songara)

VERSUS

1. Union of India through General Manager, Western Central Railway, Jabalpur (M.P.).
2. Additional Divisional Railway Manager, Kota.
3. Senior Divisional Electrical Engineer, TRO, Kota, Western Central Railway.
4. Chief Traction Forman (Running), Western Central Railway, Kota.

.....RESPONDENTS

▲ (By Advocate : -----)

ORDER (ORAL)

In this case, the applicant was removed from service on 30.09.1997. This application has been filed for claiming more than one relief i.e. to set aside the order of removal 30.09.1997 and simultaneously, it has been stated/prayed that the applicant be extended the benefit of compassionate pension.

2. When the matter was listed on 29.04.2009, this Tribunal passed the following order:-

"Heard learned counsel for the applicant.

42

Although the applicant has made prayer for setting aside the order of removal, similarly he has also made prayer for grant of compassionate allowance. As can be seen from the material placed on record, the applicant was removed from service on 30.09.1997, the appeal was filed on 21.05.1998 and as per averment made by the applicant in the MA, no communication has been received from the respondents regarding his appeal.

The applicant has not agitated the matter within the period of limitation as prescribed u/s 20 of the Administrative Tribunal's Act, 1985. When the attention of the learned counsel for the applicant was drawn to this aspect, he submits that he will seek instructions from his client confining this OA regarding grant of compassionate allowance.

Let the matter be listed on 18.05.2009."

3. Today, learned counsel for the applicant submits that he is confining this OA to the grant of compassionate pension. From the material placed on record, it is also evident that the applicant has filed a representation dated 11.07.2005 (Annexure A/5) to the DRM (Settlement), Kota regarding the payment of compassionate allowance/ pension. Learned counsel for the applicant submits that no decision has been taken so far on his representation.

4. Keeping in view the facts & circumstances of this case, we are of the view that ends of justice will be met if the applicant made a fresh representation to respondent no. 1 regarding grant of compassionate allowance/pension to the applicant in view of the fact that applicant was removed from service only on the ground that he remained absent from duty for about two months whereas the applicant is not guilty of morale turpitude/mis-conduct which disentitled him for the grant of compassionate pension, even if the removal of the applicant is justified in the facts & circumstances of the case.

5. In view of what has been stated above, we are of the view that in case the applicant make a proper representation along with copy of this order to respondent no. 1 within a period of four weeks from today, in that eventuality respondent no. 1 will consider the matter in

accordance with law and decide the same within a period of three months from the date of receipt of representation from the applicant.

6. With these observations, the OA is disposed of at admission stage.

7. In view of the order passed in the OA in the aforesaid term, no order is required to be passed in MA No. 111/2009, which shall also *stand* disposed of accordingly.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ