
ORDERS OF THE BENCH

Date of Order: 09.07.2013

OA No. 138/2011

Mr. S.C. Sethi, counsel for applicant.

Mr. Anupam Agarwal, counsel for respondents.

Arguments heard.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.


(S.K. KAUSHIK)
JUDICIAL MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 138/2011

DATE OF ORDER: 09.07.2013

CORAM

HON'BLE MR. S.K. KAUSHIK, JUDICIAL MEMBER

1. Smt. Chhoti Bai, aged about 70 years, W/o Sh. Badan Singh, Ex-Gangman, under PWI-IDH (Western Railway) now West Central Railway.
2. Bablu Singh, aged about 36 years, S/o late Sh. Badan Singh, Ex-Gangman, under PW-I, Idgah (Western Railway) now West Central Railway.

R/o Nagla Devjeet, Mehtab Bagh, Post Yamuna Bridge, Agra (UP).

...Applicants

Mr. S.C. Sethi, counsel for applicants.

VERSUS

1. Union of India through General Manager, West Central Railway, Jabalpur.
2. Divisional Railway Manager, West Central Railway, Kota Division, Kota (Raj.).
3. Sr. Divisional Engineer (Cord.), office of D.R.M., West Central Railway, Kota Division, Kota (Raj.).

...Respondents

Mr. Anupam Agarwal, counsel for respondents.

ORDER (ORAL)

By means of the present Original Application filed under Section 19 of the Administrative Tribunal Act, 1985, the

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applicants impugned the order dated 22nd of June, 2010 vide which their claim for grant of compassionate allowance has been rejected.

2. I have heard Shri S.C. Sethi, learned counsel appearing for the applicants and Shri Anupam Agarwal, learned counsel appearing for the respondents.

3. Shri Sethi, learned counsel for the applicants vehemently argued that the impugned order is totally illegal, arbitrary and unconstitutional and violative of Article 14 of the Constitution of India as the applicants have been deprived for not extending the benefit of compassionate allowance whereas the persons against whom similar charges were issued, they have been given the said benefit. To substantiate his arguments, he drawn my attention towards letter dated 28.2.2002 (Annexure A/8) issued by the respondents to Shri Shakoor, Ex. Gangman, who was also charge-sheeted for the same charges and ultimately the authorities have found him fit for granting compassionate allowance by this order. Shri Sethi further submitted that once the respondents decided the same charges in favour of Shri Shakoor, then they have to adopt the same yardstick in the case of the present applicants.

4. Per contra, Shri Agarwal, learned counsel for the respondents did not dispute the fact of issuance of letter dated


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28.2.2002. Shri Shakoor has been granted the benefit, who has also been charge-sheeted for the same charges for which the applicants have been charged. He only prayed that let the matter be remanded back to the authorities concerned who will take a final decision after considering the letter dated 28th of February, 2002.

5. I have gone through the pleadings and documents on record and also considered the arguments advanced by the learned counsel for the respective parties with their able assistance.

6. Considering the submissions made above, I am of the considered view that the impugned order dated 22nd of June, 2010 cannot sustain and accordingly the same is set aside. The matter is remitted back to the respondents to give fresh look in the light of letter dated 28th of February, 2002 (Annexure A/8) issued in the case of similarly situated person. Let the above exercise be carried out within a period of two months from the date of receipt of a certified copy of this order.

7. With the above observations, the Original Application is disposed of. No order as to costs.


(S.K. KAUSHIK)
JUDICIAL MEMBER

kumawat