

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.2756/2014

Thursday, this the 11th day of February 2016

Hon'ble Mr. A.K. Bhardwaj, Member (J)

Pritam Pal Singh, aged 67 years, Retired
s/o Sardar Harbans Singh
r/o WZ 243, Ground Floor
Gali No.3, Virender Nagar
New Delhi-58

..Applicant

(Mr. B.L. Wanchoo, Advocate)

Versus

1. Union of India through Secretary
Ministry of Defence
South Block, New Delhi-1
2. Engineer in Chief
Kashmir House
Rajaji Marg, New Delhi-1
3. Chief Engineer
HQs Western Command
Chandi Mandir, Chandigarh
4. Garrison Engineer (East)
Near Gopi Nath Bazar
Delhi Cantt.

..Respondents

(Mrs. Avinash Kaur, Advocate)

O R D E R (ORAL)

Mr. A.K. Bhardwaj:

Applicant, who was employed as Chowkidar in MES, Ministry of Defence, Delhi Cantt., was removed from service on 05.10.1988. In the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has espoused that the respondents should pay him 2/3rd of pension / gratuity in terms of Rule 41 of CCS

(Pension) Rules, 1972. The prayer made in the Original Application reads thus:-

- “(i) To order and direct the Respondents to grant the Compassionate Allowance of 2/3rd Pension/Gratuity in terms of Rule 41 of CCS (Pension) Rules 1972 immediately.
- (ii) To order and direct the Respondents to Pay to the applicant his GPF A/c No.536040P, proceeds as reflected in the annual GPF statement of 1986-1987 issued by JCDA (Funds) Meerut Cantt. alongwith 12% interest thereon till the actual date of payment.
- (iii) To order and direct the Respondents to pay the salary for the months of August & September 1988 alongwith the interest @12% till the actual date of payment.
- (iv) To award costs to the applicant who is bed ridden and cancer patient for undergoing mental and financial hardship.
- (v) To pass any further order as deemed fit and proper in the circumstances of the case to meet the ends of justice.”

2. Learned counsel for applicant made reference to order No.1450/Gen/CHOW/26/E1/Pen dated 12.10.2011 whereby the compassionate allowance was sanctioned to the applicant. The order reads thus:-

“1. Special Sanction is hereby accorded in r/o MES-311501 Sh. Pritam Pal Singh, Chow who had been removed from service wef 05 Oct 1988 for requesting two third Pension/Gratuity as per Rule 41 of Compassionate Allowance CCS (Pension) Rules-1972.”

3. In the reply filed on behalf of the respondents, a reference is made to the rule position regarding entitlement to compassionate allowance and it is stated that the Headquarter CE Western Command, GE (East) had not sanctioned any compassionate allowance to the applicant and the matter could be taken up with the Headquarter for sanction.

4. During the course of hearing, learned counsel for respondents submitted that the matter is under consideration and the application of the

applicant was forwarded to JCDA (Funds) Meerut. She made reference to the communication dated 11.02.2011, which reads thus:-

“1. An application dt. 08 Feb 2011 received from Sh. Pritam Singh, Ex. Chow requesting for bal Rs.7314/- of GPF A/C No.536040. Statement Account for the year 1985-86 is also enclosed (in original) is fwd herewith for your further necessary action please.

2. The indl has been removed from service wef 05 Oct 1988. An early action is requested. (PTO enclosed).”

5. Rejoining the submissions, learned counsel for applicant submitted that JCDA (Funds) Meerut is not competent to release compassionate allowance to the applicant and it is PCDA (P) Allahabad, which need to take the necessary action in the matter.

6. In view of the aforementioned, Original Application is disposed of with direction to PCDA (P) Allahabad to take final view regarding aforementioned order dated 11.02.2011 within three months from the date of receipt of a copy of this Order, under intimation to the applicant. No costs.

**(A.K. Bhardwaj)
Member (J)**

February 11, 2016
/sunil/