

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

O.A.No.4254/2017

Monday, this the 4th day of December 2017

Hon'ble Mr. K.N. Shrivastava, Member (A)

Beer Singh, aged about 63 years
Group C
s/o late Sh. Bakhtawar Singh
r/o G-105, Phase I, Vijay Vihar, Sector 5
Rohini, New Delhi (Ex. Sub Fire Officer)

..Applicant
(Mr. Amit Kumar, Advocate)

Versus

Govt. of NCTD & others through

1. The Chief Secretary
Govt. of NCT of Delhi
Delhi Secretariat, New Delhi
2. The Director
Delhi Fire Service Headquarters
Connaught Circle, New Delhi
3. The Chief Fire Officer
Govt. of NCT of Delhi
Delhi Fire Service Headquarters
Connaught Circle, New Delhi

..Respondents

O R D E R (ORAL)

The applicant was working as Sub Fire Officer under the respondents.

Following his conviction on a criminal charge under Prevention of Corruption Act, 1988, the respondents, invoking the provisions of Rule 19 of CCS (CCA) Rules, 1965, dismissed the applicant from service vide Annexure A-3 order dated 21.09.2012. The applicant's appeal against the

conviction is pending before the Hon'ble Delhi High Court, as averred in paragraph 4.4 of the O.A.

2. The applicant, vide his Annexure A-2 representation dated 26.10.2016, addressed to Hon'ble Lt. Governor of Delhi, has requested for payment of compassionate allowances to him under Rule 41 of CCS (Pension) Rules, 1972. The said representation is not yet decided by the respondents.

3. Apparently, the applicant had earlier submitted two representations dated 10.12.2013 and 30.12.2013 (Annexure A-6 (colly.)) seeking payment of pension, gratuity and leave encashment as applicable to retired government servants. Obviously, the prayers made in the aforesaid two representations could not have been granted. The respondents accordingly vide order dated 09.01.2017 have rejected his prayers made in the representations.

4. Learned counsel for applicant submitted that the applicant is entitled for grant of compassionate allowances in terms of Rule 41 of CCS (Pension) Rules, 1972 and hence his Annexure A-2 representation is required to be considered by the respondents sympathetically. He said that the applicant, at this stage, would be satisfied if a time bound direction is given to the respondents to decide his Annexure A-2 representation.

5. Having regards to the submissions made and without commenting on the merits of the case, this O.A. is disposed of with a direction to respondents to decide the aforesaid Annexure A-2 representation within a

period of two months from the date of receipt of a copy of this order, by passing a reasoned and speaking order under intimation to the applicant.

(K.N. Shrivastava)
Member (A)

December 4, 2017
/sunil/