

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

**Original Application No. 359/2015
Date of Order : 11.01.2018**

Between :

M.V.Rama Manohara Rao,
Ex-TTE, S.C.Railway,
S/o. Sri M.Rama Krishna Rao,
3/26/2, Sri Ram Nagar Colony,
Narsapur, Medak Dist., TS.

... Applicant.

And

1.Union of India, Represented by
The General Manager (GM),
South Central Railway,
Secunderabad.

2. Sr. Divisional Personnel Officer (Sr.DPO),
South Central Railway,
Secunderabad.

3. Sr. Divisional Commercial Manager (Sr.DCM),
South Central Railway,
Secunderabad.

4. Divisional Commercial Manager (DCM),
South Central Railway, SC Division,
Secunderabad.

... Respondents.

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| Counsel for the Applicant | ... | Mr.S.Srinivasa Rao, Advocate |
| Counsel for the Respondents | ... | Mrs.Vijaya Sagi, S.C. for Rlys. |

CORAM:

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| <i>Hon'ble Mr.K.N.Shrivastava</i> | <i>...</i> | <i>Member (Admn.)</i> |
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ORAL ORDER

{ As per Hon'ble Mr.K.N.Shrivastava, Member (Admn.) }

The applicant was working as Senior TTE in the respondents South Central Railway. He was removed from service for unauthorized absence vide order dated 11.10.1993 after subjecting him to DE proceedings. The applicant had challenged his removal from service before the Hon'ble High Court of Andhra Pradesh in W.P.No.11344/2013, which came to be disposed of vide order dated 06.06.2013. The relevant portion of the said order is extracted below :

“In view of pendency of such representation of the petitioner and further, as it is clarified by the Government of India in File No.F(E)III/2003/PN1/5, dated 04.11.2008, that compassionate allowance also can be sanction on an application filed by the railway servant subsequent to the passing of an order of removal/dismissal, we deem it appropriate to direct the fourth respondent to consider representation dated 13.07.2012, submitted by the petitioner for grant of compassionate allowance, and communicate the decision taken thereon to him, as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order. It is made clear that such consideration shall be in accordance with the Rules and other Circular instructions, if any issued on the said aspect.”

2. In compliance of the order dated 06.06.2013 of the Hon'ble High Court, the respondents considered the request of the applicant for grant of compassionate allowance, but rejected it vide impugned Anx-A-1 order dated 24.10.2013. Aggrieved by the said rejection, the applicant has filed the instant OA praying for the following relief :

“I humbly pray that the 2nd respondent should be directed to reconstruct the lost service record at the earliest and after the record is ready, it should be shown to me for verification and modifications. After corrections, if any, 2 copies of the same should be supplied one to me and another to the Tribunal for finalizing the Grant of Compassionate Allowance.

It is prayed that after getting the copy of my Service Record, the matter of Grant of Compassionate Allowance and its consequential benefits may be decided.”

3. Pursuant to the notice issued, the respondents entered appearance and filed reply statement. On completion of pleadings, heard the arguments of Mr.S.Srinivasa Rao, learned counsel for the applicant and Mrs.Vijaya Sagi, learned standing counsel for the respondents.

4. The main contention of learned counsel for the applicant was that one of the important reasons cited by the respondents in their Anx-A-1 order dated 24.10.2013 in denying the compassionate allowance to the applicant was that his Service Records were not traceable. Learned counsel argued that in response to an RTI query of the applicant, the respondents have furnished him a copy of the Service Records which he placed before this Tribunal as Anx-A-2 to the rejoinder. He, thus, prayed that considering the service rendered by the applicant, the respondents may be directed to consider the case of grant of compassionate allowance in accordance with Rule-65 of Railway Services (Pension) Rules, 1993.

5. Per contra, the learned counsel for the respondents argued that the applicant had remained absent from duty unauthorized for a long time and hence the respondents were constrained to issue DE proceedings against him, wherein his misconduct was proved and consequently removed from service vide order dated 11.10.1993. Learned counsel argued that the applicant had filed an application for grant of compassionate allowance almost after a lapse of 19 years i.e. on 13.07.2012. She also stated that the applicant had filed three OAs in the past, two of them were dismissed and third one was allowed to be withdrawn. She concluded her arguments by saying that at this late stage and almost after a lapse of 20 years, the case of the applicant for compassionate allowance cannot be

considered.

6. The learned counsel for the applicant has clarified that none of the three OAs referred to by the learned counsel for the respondents were relating to the compassionate allowance and that only the instant OA filed by the applicant is for the compassionate allowance.

7. I have considered the arguments of learned counsel for the parties. It is not in dispute that the applicant has filed an application for compassionate allowance after a long delay of about two decades. Normally such belated petitions have to be considered as time barred. However, the Hon'ble High Court in its order dated in W.P.11344/2013 filed by the applicant has given direction for considering the request for compassionate allowance as noticed herein above. Under these circumstances, the case of the applicant for grant of compassionate allowance is to be considered. From the impugned order that the main reason for rejection of his case for grant of compassionate allowance was, non-availability of his Service Record. Now since his Service Register has been traced and is available, it is only fair that his case is considered by the respondents for grant of compassionate allowance. The spirit of providing compassionate allowance is that since a railway servant who is dismissed or removed from service would forfeit his pension and gratuity, considering the past service and as a matter of compassion, some succor is provided to him by way of some financial assistance enabling him to keep his body and soul together.

8. Hence, I quash and set aside the impugned Anx-A-1 order dated

24.10.2013 and direct the respondents to reconsider the case of the applicant for grant of compassionate allowance in terms of Rule 65 of Railway Services (Pension) Rules, 1993. While doing so, the respondents shall keep in mind the Service Records of the applicant as well as the latest instructions on the issue. This shall be done by the respondents within a period of three months from the date of receipt of a copy of this order.

9. Accordingly, O.A. is allowed. There shall be no order as to costs.

(K.N.SHRIVASTAVA)
MEMBER (ADMN.)

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