

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING: BILASPUR

Original Application No.203/00162/2018

Bilaspur, this Wednesday, the 21st day of February, 2018

**HON'BLE MR.NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR.RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Smt. Nini Aged about 37 years,
W/o Late Bimal Baboo,
Ex Safaiwala Carriage and
Wrokshop Bilaspur in the
Department of Mechanical Engineering
S.E.C.R. Bilaspur R/o Ward No.53 Bapu
Up Nagar District Bilaspur C.G.

-Applicant

(By Advocate – Shri Ajay Kumar Barik)

V e r s u s

1. Union of India, Through the General Manager, South East Central Railway, Bilaspur (C.G.) PIN 495004
2. The Divisional Railway Manager, Bilaspur S.E.C.R. Bilaspur District Bilaspur (C.G.) 495004
3. The Sr. Divisional Personnel Officer, South East Central Railway Bilaspur District Bilaspur (C.G.) 495004
4. The Divisional Personnel Officer, South East Central Railway, Bilaspur, District Bilaspur (C.G.) 495004
5. The Sr. Divisional Mechanical Engineer S.E.C.R. Bilaspur District Bilaspur (C.G.) 495004
6. The Coaching Depot Officer, Department of Mechanical Engineering, S.E.C.R. Bilaspur District Bilaspur (C.G.) 495004

- Respondents

(By Advocate –Shri Vivek Verma)

O R D E R**By Navin Tandon, AM.-**

This is the second round of litigation. In the first round of litigation, this Tribunal had passed an order at admission stage itself dated 18.04.2017 (Annexure A-5) in Original Application No.203/00282/2017, directing the respondents to take a judicious decision as envisaged in Railway Board's RBE No.79/2005.

2. The respondent-department vide order dated 26.12.2017 (Annexure A-1) have passed a speaking order in compliance to the order dated 18.04.2017 passed in O.A. No.203/00282/2017, wherein it has been mentioned that the husband of the applicant Late Vimal Baboo, was not removed from service as has been alleged in Original Application rather he was compulsorily retired w.e.f.15.04.2004. The respondent-department have expressed shock that the counsel for the applicant has concealed this fact from the Tribunal. The applicant's husband also failed to complete the essential qualifying service required for grant of family pension as he has performed only 03 years 05 months and 12 days of

qualifying service and as such was not entitled for any family pension. The feasibility of granting compassionate allowance was also explode (sic.) and it is seen that since the applicant's husband was compulsorily retired from service he could not have been granted with compassionate allowance.

3. While challenging the impugned order, the applicant has not attached the notice of imposition of penalty and RBE No.79/2005. He has also failed to bring out as to how RBE No.79/2005 is applicable in this case.

4. Accordingly, this Original Application is dismissed at admission stage itself.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

kc/-