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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, KOLKATA

PARTICULARS OF THE APPLICANT: OA / 350/01684/2017

Smt. Aplalanarasamma, Wife of late B. Vasu, aged about 65 years, residing  
at Dhibi Ghat, Post Office - Nirmipura, District - Paschim Medinipur, Pin  
Code no. 721304

.... APPLICANT

V E R S U S

- (i) The Union of India, through General Manager, South Eastern  
Railway, Garden Reach, Kolkata 700 043
- (ii) Divisional Railway Manager, South Eastern Railway, Kharagpur,  
Pin Code No. 721301

... .. RESPONDENTS



O.A.No.350/1684/2017

Date : 15.02.2018

**Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member**

For the applicant : Ms. P. Mondal

For the respondents : None

**ORDER(Oral)****A.K. Patnaik, Judicial Member**

The instant O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

"An order do issue directing the respondents to consider the case of applicant for grant of compassionate allowance with effect from the date he was removed from service."

2. I have heard Ms. P. Mondal, Id. counsel for the applicant. None appears for the respondents.

3. Brief facts of the case as narrated by Id. counsel for the applicant, Ms. P. Mondal are that the husband of the applicant was initially appointed with effect from 10.09.1964 under the respondents and was working as H.S.R.E.f. Mechanic Grade-III, under Assistant Electrical Engineer, (G), S. E. Railway, Santragachi. She further submitted that a major penalty charge sheet was issued against the husband of the applicant wherein it was alleged that he was absenting himself from duty and as a measure of penalty Disciplinary Authority passed an order of compulsory retirement from service against the husband of the applicant in 1998. Ms. Mondal also submitted that on appeal the said punishment was withdrawn and the husband of the applicant was allowed to join service but again charge sheet was issued against him vide memorandum dated 15.10.1992 and as a



measure of penalty he was removed from service. It is submitted by Ms. Mondal that the husband of the applicant preferred appeal against the said order of punishment but his appeal was rejected by the appellate authority. It is further submitted by Ms. Mondal that the husband of the applicant also filed a revision petition dated 24.10.2000 which was also rejected by the Revisional Authority. Thereafter, he died on 08.09.2006. According to Ms. Mondal, the applicant is guided by Rule 65(1) of the Railway Service(Pension Rules) wherein it is stated that the authority competent to dismiss or renew a Railway servant from service, may if the case is deserving special consideration, sanction a compassionate allowance not exceeding 2/3<sup>rd</sup> of the pension for gratuity or both which would have been admissible to him if he had retired on compassionate pension.

However, no compassionate allowance has been granted to the applicant by the respondent authority despite her repeated prayers. Being aggrieved the applicant has come to this Tribunal seeking the aforesaid relief.

4. Ld. counsel for the applicant Ms. P. Mondal submitted that the applicant being the widow of the deceased employee has made a representation to the Respondent No.2 i.e. Divisional Railway Manager, S.E. Railway, Kharagpur on 28.08.2017(Annexure A/6) praying for grant of compassionate allowance, but that has not been replied to till date. Ld. counsel Ms. Mondal further submitted that she will be satisfied if a direction is given to the respondent No.2 to consider and dispose of the representation of the applicant as per the rules and regulations governing the field within a specific time frame.

5. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer

is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. In the instant case, as it appears, though the applicant submitted representation to the authority on 28.08.2017 ventilating her grievances, no reply has been received by her till date.

6. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of **S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990 SC Page 10 / 1990 SCC (L&S) Page 50** (para 17) in which it has been held as under:

**"17. ....Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation."**

7. Though no notice has been issued to the respondents for filing reply, considering the aforesaid facts and circumstances I am of the view that it would not be prejudicial to either of the parties if a direction is issued to the respondents to consider and decide the representation of the applicant as per the relevant rules and regulations governing the field.

8. Accordingly the Respondent No.2 i.e. the Divisional Railway Manager, South Eastern Railway, Kharagpur is directed to consider and dispose of the representation of the applicant dated 28.08.2017(Annexure A/6),if such representation is still pending for consideration, by passing a well reasoned order as per the rules and regulations in force within a period of six weeks from the date of receipt of a certified copy of this order. The decision so arrived at shall be



communicated to the applicant forthwith. If the applicant's claim is found to be genuine, the benefits as claimed in her representation shall be extended to her within a further period of six weeks from the date of taking decision in the matter.

9. It is made clear that I have not gone into the merits of the case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

10. As prayed by the Id. Counsel for the applicant, a copy of this order along with the paper book may be transmitted to the Respondents No.2 by speed post by the Registry for which Id. counsel for the applicant undertakes to deposit the cost within one week.

11. With the above observations the O.A. is disposed of. No order as to cost.

( A.K. Patnaik )  
Judicial Member

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