

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/00153/2017

Date of order: 23.3.2017

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

Lalita Singh,
Wife of Late L.K. Singh,
Aged about 63 years,
Residing at Village & P.O. – Inda,
District – Paschim Medinipur,
State – West Bengal, 721 301.

... Applicant

- V E R S U S -

1. The Union of India,
Through the General Manager,
South Eastern Railway,
Garden Reach Road,
Kolkata – 700 043.
2. The Sr. Divisional Mechanical Engineer (C&W),
South Eastern Railway,
Kharagpur,
Post Office – Kharagpur,
District – Paschim Medinipore – 721 301.
3. The Carriage Foreman,
Nimpura,
South Eastern Railway,
District – Paschim Medinipure – 721301.

.. Respondents

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. M.K. Bandyopadhyay, Counsel

O R D E R (Oral)

Heard Mr. A. Chakraborty, Ld. Counsel appearing for the applicant
and Mr. M.K. Bandyopadhyay, Ld. Counsel appearing for the respondents.
2. This O.A. has been filed under Section 19 of the Administrative
Tribunal Act, 1985 stating that the husband of the applicant was working as

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Fitter Gr. II under the Carriage Foreman, Nimpura, S.E. Railway on 18.6.1965. He was subsequently appointed as a Khalasi and subsequently promoted to the post of B.T.M. Thereafter he was promoted to the post of Fitter Gr. III. Unfortunately he died on 7.4.2013. The husband of the applicant made an appeal before the appellate authority against the punishment imposed upon him in a disciplinary proceeding case and the appellate authority by its order dated 27.9.1996 confirmed the order passed by the disciplinary authority. In the order passed by the Disciplinary authority there is no order as to whether the applicant is entitled to compensatory allowance. Rule 65(1) of the Railway Service (Pension) Rules, 1993 provides for sanction of compassionate allowance not exceeding 2/3rd of the pension or gratuity or both which would have been admissible to him if he had retired on compensation pension. This is the discretionary power vested in the authority competent to dismiss or remove a Railway servant to be exercised by that authority suo-motu, at the time of passing orders of dismissal or removal from service or immediately thereafter. The Railway Board vide its order dated 9.5.2005 issued a circular to the effect that where the competent authority in exercise of its discretionary power did not sanction compassionate allowance at the time of passing orders of removal/dismissal, cannot be reopened for review on the basis of representation received from removed/dismissed employee and the members of their family at a later date. The Railway Board again vide its order dated 4.11.2008 decided that past cases may be reopened/reviewed by the Disciplinary Authority on the receipt of representations of dismissed/removed employee or family members of the deceased employee on certain conditions. One of the condition is award of compassionate allowance should not be considered if the Railway servant

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has been dishonest, which was a ground for his removal. The applicant has filed this O.A. seeking the following reliefs:-

"An order do issue directing the respondents to grant compassionate allowance in favour of the applicant as per Rule 65(1) of the Railway Pension Manual."

3. Mr. A. Chakraborty, Ld. Counsel for the applicant submits that a representation has been preferred by the applicant on 5.1.2017 and more particularly as the applicant is the widow of the deceased employee, who expired in the year 1996 and, therefore, the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondents No. 2 to dispose of the representations dated 5.1.2017 within a specified time frame.

5. Therefore, without waiting for the reply I think it appropriate to dispose of this O.A. by directing the respondent No. 2 that if any such representation has been preferred on 5.01.2017 and is still pending consideration then the same may be considered and disposed of in the light of the rules and regulations in force keeping in mind the provisions enumerated under Rule 65(1) of Railway Service (Pension) Rules, 1993, within a period of two months under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from the date of such consideration to extend those benefits to the applicant.

6. Though I have not expressed any opinion on the merits of the case till then I hope and trust that while considering the said representation the respondents will consider the provisions of Rule 65(1) of Railway Service (Pension) Rules, 1993 and extend the benefits to the applicant.

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7. With the aforesaid observation, the O.A. stands disposed of at the admission stage itself.

6. As prayed by Mr. A. Chakraborty, a copy of this order along with paper book be transmitted to the respondents No. 2 by speed post for which he undertakes to deposit necessary cost by 5.4.2017.


(A.K. Patnaik)
Judicial Member

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