

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.270/2018.

Date of Decision: 11.04.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

Smt. Kusumabai Subhash Kotme
W/o Subhash Kotme,
R/at Kotamgaon Budruk,
Post-Nagde, Tal – Yeola,
Dist. Nashik – 423 301.

... ***Applicant***

(By Advocate Ms. Vaishali Agane)

Versus

1. Union of India,
Through the General Manager,
Central Railway, CST,
Mumbai 400 001.
2. The Divisional Railway Manager,
Office of the DRM, P/Branch,
Central Railway, Solapur 413 007.
3. The Assistant Divisional Engineer
Office of Assistant Engineer,
Central Railway,
Ahmednagar – 413 201.

... ***Respondents***

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for Admission, heard Ms. Vaishali Agane, learned Advocate for the Applicant. I have carefully perused the case record.

2. In this OA, the applicant has sought the following reliefs:

“8.a) The Applicant therefore prays that

this Hon'ble Court may be graciously pleased to call for the records of the case from the respondents and after examining the same grant compassionate allowance to applicant, with effect from deceased removal order dated 11.02.1999 with all the consequential benefits thereafter.

8.b) Direct the respondents to consider her representation dated 20.12.2017 for grant of compassionate allowance to the applicant w.e.f. 11.02.1999 with interest.

8.c) Grant cost & grant any other further relief in the nature of circumstances of the case as the Hon'ble Tribunal deem it fit & proper."

3. The Applicant is the widow of the deceased Late Shri Subhash Kotme, who was working as a Gangman under Respondent No.3. In a disciplinary proceeding initiated against the applicant, he was removed from service vide order dated 11.02.1999. It is pointed out that in the removal order there is no mention about grant of pensionary benefits/compassionate allowance as provided under rule 65 of the Railway Services (Pension) Rules 1993. The deceased employee during his lifetime did not make any application for grant of pensionary benefits / compassionate allowance. Subsequently, he died on 01.07.2007. Thereafter, the applicant initially approached the Pension

Adalat and vide order dated 15.12.2017, she was advised to approach the appropriate authority with an application for grant of compassionate allowance. Thereafter, the applicant submitted a representation dated 20.12.2017 (Annexure A-7) to Respondent No.3. It is stated that nothing has been heard from the other end so far. In this respect, learned Advocate for the applicant invited attention of this Tribunal to Railway Board's letter dated 04.11.2008 (Annexure A-6) in which guidelines are issued in the matter of grant of compassionate allowance, if the same is not sanctioned while passing the order of removal.

4. It is obvious from record that although the applicant claims compassionate allowance, there is no adverse order by the respondents so far and her representation for redressal of his grievance is still pending consideration. In view of above, this Tribunal is of the considered view that ends of justice will be better served, if appropriate directions are issued in the matter.

5. The Respondent No.3-Assistant Divisional Engineer Central Railway, Ahmednagar is directed to consider and pass a reasoned and speaking order on the pending representation dated 20.12.2017 (Annexure A-7) in accordance with law and considering the provisions of Railway Board's letter dated 04.11.2008 referred above, within a period of six weeks from the date of receipt of certified copy of this order.

6. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case her grievance still persists.

7. The OA stands disposed of with the aforesaid directions at the Admission stage, without issuing notice to the respondents and keeping all the legal pleas open.

8. Registry is directed to send certified copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

(A.J. Rohee)
Member (J)

dm.