

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

O.A. No. 021/01153/2018

Date of order : 31.12.2018

Between:

VIJAY MAHANAND,
S/o Late Chandradaz,,
Aged 45 years,
Occupation: Trackman/MKDI (removed from service),,
R/o Hanuman Nagar, Rajura,
Near Chavhan Pipe Factory,
Rajura, Chandrapur (Dt.), Maharashtra.

Applicant

A N D

1. Union of India represented by
The General Manager,
South Central Railway,
3rd Floor, Rail Nilayam,
Secunderabad,
2. The Assistant Divisional Engineer,
South Central Railway,
Secunderabad Division, Bellampally.

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Respondents

Counsel for the applicant : Mr.M.V.Krishna Mohan
Counsel for the respondents : Mr.V.Vinod Kumar,
SC for Railways

C O R A M :

THE HON'BLE MR .JUSTICE L NARASIMHA REDDY, CHAIRMAN
THE HON'BLE MR. B.V.SUDHAKAR, MEMBER (A)

ORAL ORDER

(Per Hon'ble Mr. Justice L Narasimha Reddy, Chairman)

The applicant was working as Trackman in the South Central Railway. He was removed from service by order dated 6.7.2017 on the ground of unauthorized absence. He made representation on 24.7.17 with a request to sanction compassionate allowance settlement dues,

PF balance and pension eligible to him. The applicant contends that on a consideration of the representation, memo was issued on 4.9.17 sanctioning 1/3rd pension with effect from 6.7.17, but the same has not been paid so far. He also alleges that he is entitled to be extended other benefits such as gratuity, commutation of pension and other retirement benefits.

2. The OA was listed for argument on 26.11.18 and the learned standing counsel was given time to obtain instructions. Today it is represented by him that the release of benefits was delayed on account of non availability of record and that the payment will be made shortly.

3. We heard M.V.Krishna Mohan, learned counsel for the applicant and Mr. V.Vinod Kumar, learned senior standing counsel for the respondents.

4. There exists a facility of compassionate allowance in the Railways in favour of employees removed from service, on disciplinary grounds. This is subject to the condition that removal is not on the allegations which constitute moral turpitude or wanton action causing damage to Railway property etc. The applicant did not challenge the order of removal and instead, made representation for sanction of compassionate allowance. In all fairness, the respondents processed the application and sanctioned 1/3rd pension, through order dated 04.09.2017. Since the applicant is out of employment and without any income, the respondents ought to have released the corresponding amount without any delay. Non availability of the record should not have

come in the way inasmuch as the order of dismissal passed as recently as in 2017. Further, the other aspects viz., the applicant's entitlement for payment of gratuity or Provident Fund etc. were not dealt with.

5. We therefore, dispose of the OA directing that,

- (a) 1/3rd pension, as sanctioned in the memo dated 04.09.2017 along with arrears shall be released to the applicant within two months from the date of receipt of a copy of this order. If it is not paid within that time, the amount shall carry interest @ 9% per annum;
- (b) The respondents shall also examine whether the applicant is entitled for other benefits such as gratuity, PF if the relevant provisions of law permit payment of the same, and an order in this behalf shall be passed within three months from the date of receipt of this order.

6. There shall be no order as to costs.

(B.V.SUDHAKAR)
MEMBER (A)

(JUSTICE L NARASIMHA REDDY)
CHAIRMAN

vsn