

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING: INDORE

Original Application No.201/00230/2015

Indore, this Thursday, the 14th day of March, 2019

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Shri Radheshyam
S/o Shri Nanuram,
H.No. 221, Rajeev Nagar,
Shamshan Ghat,
Ratlam (M.P.)-457001

-Applicant

(By Advocate –**Shri Harish Chandra Tripathi**)

V e r s u s

1. Union of India,
through the General Manager,
Western Railway,
Church Gate, Mumbai-400020

2. The Divisional Railway Manager,
Office of DRM,
Western Railway,
Divisional Office,
Ratlam Division,

3. The Sr. Divisional Finance Manager,
O/o Sr. DFM, Western Railway,
Ratlam Division,
Ratlam-457001

4. The Senior Chief Mechanical Officer,
O/o Sr. CNO (Estt.) Western Railway,
Ratlam Division, Ratlam-457001

- Respondents

(By Advocate –**Shri P.R. Bhatnagar**)

O R D E R (Oral)**By Navin Tandon, AM:-**

The applicant is aggrieved that he has not been paid gratuity, CVP and other benefits to the applicant.

2. The learned counsel for the applicant submits that CVP stands for Commuted Value of Pension.

3. The brief facts of the case are that the applicant was working in the Railways as a Khalasi and he was served with the charge sheet on 03.10.1991. The said proceedings culminated into punishment of removal from service. This penalty was challenged before the Ahmedabad Bench of this Tribunal by filing O.A. No.244/2007. Ahmedabad Bench of this Tribunal vide its order dated 31.08.2009 (Annexure A/3) did not allow the challenge to the orders of disciplinary authority, appellate authority and revisionary authority. However, the Tribunal had directed the respondents to take a decision regarding the payments to be made and treatment of the period in accordance with law and re-computing the qualifying service.

4. Accordingly, the respondent-department vide its order dated 07.04.2010 (Annexure A/1) passed the order whereby he was granted compassionate allowance.

5. The applicant challenged this order in Ahmedabad Bench of this Tribunal in O.A. No.32/2011. However, the said O.A. was dismissed on 07.02.2011 for want of territorial jurisdiction. Subsequently, the present O.A. is filed on 17.03.2015 praying for the following reliefs:-

“8(1) That the Hon’ble Tribunal be pleased to allow this petition.

8(2) That the Hon’ble Tribunal further be pleased to quash and set aside the impugned action/order date 7.4.2010 as well as action of the respondents regarding non payment of gratuity, CVP and other benefits of the applicant.

8(3) That the Hon’ble Tribunal further be pleased to direct the respondents to give pay and allowances for the intervening period notionally and gratuity CVP to the applicant with 12% interest thereon.

8(4) Any other order of direction as may be deemed just and proper in the interest of justice may kindly be passed.”

6. The respondents have filed their reply in which they have raised preliminary objection that the applicant is challenging the order dated 07.04.2010 (Annexure A/1) and even though it was dismissed by Ahmedabad Bench of this Tribunal on 07.02.2011. They have approached this Tribunal after a lapse of more than four years i.e. on 17.03.2015 without explaining the delay in filing this O.A.

7. We have heard and considered the matter.

8. It is the fact that neither the applicant has filed any rejoinder nor any application for condonation of delay. Therefore, this application is barred by limitation on the ground of delay and laches.

9. In terms of merits, learned counsel for the respondents has submitted that it is the case where the applicant was removed from service which has also been upheld by the Co-ordinate bench of Ahmedabad of this Tribunal in O.A. No.244/2007. The applicant has been granted compassionate allowance and not pension. There is no provision of payment of gratuity or CVP in such cases. Therefore, the impugned order has been passed after due consideration of facts and rules. The applicant is not entitled for gratuity, CVP and other benefits.

10. Accordingly, this O.A. is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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