

**Central Administrative Tribunal
Principal Bench, New Delhi**

**OA No. 3939/2014
MA No. 3422/2014**

New Delhi, this the 16th day of January, 2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member(J)**

Smt. Sunita
(Aged about 45 years)
W/o Late Shri Raj Kumar
Parcel Poster, Meerut
under ACM Delhi
R/o Village Goliyaki, Tehsil-Riwari, Distt. Riwari.

...Applicant

(By Advocate : Mr. M.S. Saini and Mr. P.S. Khare)

Versus

Union of India Through

1. The General Manager
Northern Railway
Baroda House, New Delhi.
2. The Divisional Railway Manager
State Entry Road, Northern Railway
New Delhi.
3. Assistant Commercial Manager
DRM Office, State Entry Road
New Delhi.

...Respondents

(By Advocate : Mr. Satpal Singh)

ORDER (ORAL)

Ms. Nita Chowdhury :

This OA has been filed by the applicant seeking the following
reliefs :

“(i) declare the chargesheet dt. 12.7.2013 illegal and without jurisdiction and consequently family pension and other benefits in favour of the applicant may kindly be granted with arrears alongwith 18% interest.

(ii) pass any other order/orders as this Hon'ble Tribunal may deem fit and appropriate.”

2. Subsequent to filing of the OA on 30.09.2016, it was noticed that the applicant of this OA had passed away on 15.02.2011 and hence, the respondents have themselves stated in their counter affidavit that the charge sheet was wrongly issued to the applicant as he was unauthorisedly absent and hence, they did not know that he had passed away in 2011. Accordingly, they have stated that the said order was withdrawn.

3. However, they drew our attention to the fact that the applicant had previously been on unauthorised absence and he was removed from service on 26.06.2009 vide letter no. C4-78-PP/DLI-2008 dated 02.12.2008 and as per the reply, cause of action of this OA itself ended once they issue the orders withdrawing the charge sheet issued in 2013. However, we find that in the Railways, there are rules, which allow for sympathetic consideration of the cases of employees, who have served with the respondent for a reasonable period of time. In their rejoinder, the applicant at Annexure A-7 has enclosed an application in which they have asked for appointment of son of the applicant and later on in another paragraph also stated that family pension to the widow of the deceased Govt. employee may also be given.

4. We direct the respondents to take a view in the matter as this is a prayer by the widow of the deceased and there is a provision in the Railway Rules for considering such prayers from even employees who stand punished by the Railways in departmental proceedings. Hence,

respondents are directed to dispose of Annexure A-7 application filed along with the rejoinder by the applicant.

5. In case, any additional representation is given within 15 days then the respondents may decide the same within six months from the date of receipt of such representation.

6. OA is disposed of in terms of the above directions with liberty to the applicant to take any other cause of action, if he so advised, in accordance with law.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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