

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**ORIGINAL APPLICATION NO. 180/00457 of 2018**

**Wednesday, this the 14<sup>th</sup> day of August, 2019**

## **CORAM**

## **Hon'ble Mr. E.K.Bharat Bhushan, Administrative Member**

Narayanan Kutty P, aged 62 years  
S/o.G.Gopalakrishnan Nair  
(Ex.Khalasi Helper (Electrical) Diesel Loco Shed)  
Ernakulam Junction  
Residing at: H.No.31/996-C  
Rail Nagar-2,  
Kunhan Baba Road, Elamkulam  
Vyttila P.O, Kochi – 682 019

... Applicant

(By Advocate Mr.T.C.G.Swamy)

## Versus

1. Union of India, represented by the General Manager, Southern Railway Head Quarters Office Park Town P.O, Chennai – 600 003
2. The Senior Divisional Personnel Officer Southern Railway, Thiruvananthapuram Division Thycaud P.O, Thiruvananthapuram-695 014
3. The Senior Divisional Mechanical Engineer Southern Railway, Thiruvananthapuram Division Thycaud P.O, Thiruvananthapuram – 695 014
4. The Divisional Mechanical Engineer Diesel Loco Shed, Southern Railway Ernakulam Junction Kochi – 682 016

(By Advocate Mr.V.A.Shaji)

The above application having been finally heard on 14.8.2019, the Tribunal on the same day delivered the following:

**ORDER (ORAL)**

Per: **Mr.E.K.Bharat Bhushan, Administrative Member**

Heard Ms.Kala representing Mr.T.C.Govindaswamy, learned counsel for the applicant and Mr.V.A.Shaji, learned Standing Counsel for the Railways.

2. The applicant, who is an Ex.Khalasi Helper (Electrical) of the Diesel Loco Shed, Southern Railway, Ernakulam Junction, is aggrieved by the refusal on the part of the respondents to grant him the benefit of compassionate allowance, as provided for in the Railway Services (Pension) Rules, 1993.

3. In paragraph 7 of the reply statement filed, it has been submitted that the applicant had faced a DAR case, but unfortunately the details of the case are suspected to have been lost in the last flood. However, the respondents have undertaken in the reply statement that if a representation is made, they shall consider the case of the applicant on merit.

4. This Tribunal is of the view that the Original Application can be disposed of by directing the applicant to file a fresh consolidated representation submitting all facts before the additional fourth respondent, who shall thereupon consider the same as expeditiously as possible and at any rate within 30 days of receipt of the said representation. The decision shall be taken in accordance with law and communicated to the applicant within the time frame.

5. The Original Application is disposed of. No costs.

**(E.K BHARAT BHUSHAN)  
ADMINISTRATIVE MEMBER**

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**List of Annexures**

Annexure A1 - True copy of Penalty Advice bearing No.V/MD.226/ERS/DAR/P.N dated 13.7.1999, issued by the 3<sup>rd</sup> respondent

Annexure A2 - True copy of letter bearing No.V/MD 226/ERS/Staff.II dated 7.9.2008 issued by the 3<sup>rd</sup> respondent

Annexure A3 - True copy of forwarding letter bearing No.V/MD 226/ERS/SW dated 7.1.2010 by the 3<sup>rd</sup> respondent to the 2<sup>nd</sup> respondent

Annexure A4 - True copy of representation dated 30.12.2009 submitted by the applicant to the 3<sup>rd</sup> respondent

Annexure A5 - True copy of representation dated 1.2.2010 submitted by the applicant to the Public Relation Officer, Divisional Office, Thiruvananthapuram

Annexure A6 - True copy of letter bearing No.V/P Co-ord/RTIA/OS/16/2010 dated 18.2.2010 issued by the 2<sup>nd</sup> respondent

Annexure A7 - True copy of representation dated 23.3.2010 submitted by the applicant to the 2<sup>nd</sup> respondent

Annexure A8 - True copy of order bearing No.V/P500/PA/78/2010 dated 1.12.2010 issued from the office of the 2<sup>nd</sup> respondent

Annexure A9 - True copy of relevant pages of the Railway Services (Pension) Rules, 1993

Annexure A10 - True extract of 309 and 310 of the Manual of Railway Pension Rules, 1950

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