

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION NO. 180/00457 of 2018

Wednesday, this the 14th 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 Bava Road, Elamkulam
Vytila 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

..... Respondents

(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

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 3rd respondent

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

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

Annexure A4 - True copy of representation dated 30.12.2009 submitted by the applicant to the 3rd 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 2nd respondent

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

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

.....