

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00219/2018

Jabalpur, this Tuesday, the 01st day of October, 2019

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

Shri Gulab Bhagwan, age 71 years, Occup: Rly. Service, At –
 Post : Sakari (Mohajai), Tal. – Bhusawal – 425201, Distt.
 Jalgaon (Maharashtra) -Applicant

(By Advocate – Shri D.P. Yadav)

V e r s u s

1. The Union of India & others through General Manager, Central Railway, Mumbai, Chatrapati Shivaji Terminus, Mumbai – 400001.
2. Divisional Railway Manager, Central Railway, Bhusawal – 425201 (Maharashtra).
3. Senior Divisional Personnel Officer, Central Railway, Bhusawal – 425201 (Maharashtra).
4. Senior Divisional Engineer (CO), Central Railway, Bhusawal – 425201 (Maharashtra).
5. Assistant Divisional Engineer, Central Railway, Khandwa (M.P) Madhya Pradesh -Respondents

(By Advocate – Shri Arun Soni)

O R D E R (O R A L)

By Navin Tandon, AM.

The applicant was working under respondent No.5 and was removed from service on 04.03.1998 (Annexure A-5).

2. He has sought for the following reliefs:

“8) Relief with prayers:-

- i) The applicant therefore prays the Hon'ble Tribunal may please instruct to respondents to redress the Grievance of applicant and to sanction the compassionate allowance benefit from the date of removal from service.
- ii) Application may grant cost and pass any other further orders.
- iii) Any other order which Hon'ble Court may deem to fit in nature of justice.”

3. The applicant has also filed MA No.200/442/2018 for condonation of delay in filing this Original Application.

4. The respondents have filed their reply to the application for condonation of delay wherein they have objected to the application stating that there has been delay of more than 20 years in filing the O.A and no sufficient cause for delay has been explained.

5. We have considered the application for condonation of delay.

6. It is seen that the Railway Board vide their letter dated 04.11.2008 (RBE No.164/2008) (Annexure A-3), have given an opportunity to the employees who were removed from service where the Disciplinary Authority had not passed any specific order for or against grant of compassionate allowance. Since, this is a case of compassionate allowance where recurring cause

of action is there, we condone the delay in filing the O.A. Accordingly, MA for condonation of delay is allowed.

7. As far as merits are concerned, the applicant is only seeking relief in terms of Railway Board's letter dated 04.11.2008 (RBE No.164/2008) (Annexure A-3).

8. We feel that ends of justice would be met if the applicant is granted liberty to file a detailed representation to the competent authority of the respondents, who shall consider and decide the same in a time-bound manner.

9. Accordingly, without going into the merits of the case, we dispose of this Original Application at this stage with liberty to the applicant to file a detailed representation within a period of 60 days from today in terms of Railway Board's letter dated 04.11.2008 (RBE No.164/2008) (Annexure A-3). On receipt of the same, the competent authority of the respondent department shall consider and decide the same, within a period of 90 days thereafter. The order so passed shall also be communicated to the applicant. No costs.

(Ramesh Singh Thakur)
Judicial Member

am/-

(Navin Tandon)
Administrative Member