

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH  
HYDERABAD**

OA/21/1165/2017

**Dated: 06/06/2019**

## Between

B. Padmamma,  
W/o. late Lingaiah,  
Aged 60 years, House Wife,  
R/o. H.No.1-43/A, Gatevanampally Village,  
Pulmaddi Post, Nawabupet Mandal,  
Ranga Reddy District.

... Applicant

AND

1. The Assistant Divisional Engineer,  
South Central Railway,  
Kachiguda, Hyderabad.
2. The Divisional Engineer/ Lines,  
South Central Railway,  
Hyderabad Division,  
Offices of D.R.M./ Hyderabad,  
Secunderabad.
3. Union of India rep. by its  
Secretary, Ministry of Railway,  
Sansad Marg,  
New Delhi.

## ... Respondents

Counsel for the Applicant : Mr. N. Ramesh  
Counsel for the Respondents : Mr. N. Srinivasa Rao,  
SC for Railways

*CORAM:*

*Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mrs. Naini Jayaseelan, Admn. Member*

***ORAL ORDER***

(Per Hon~~ble~~ Mr. Justice L. Narasimha Reddy, Chairman)

The husband of the applicant was working as Trackman in the South Central Railway. A charge memo was issued to him on 10.11.2009, alleging that he remained unauthorisedly absent in different spells, aggregating to 249 days. Stating that he did not respond to the show cause notice, further proceedings were taken up and through Memo dated 28.7.2011, punishment of removal from service was imposed upon him. An appeal was preferred by him to the concerned authority but the same was not taken up. On 13.8.2012, the husband of the applicant died. The applicant filed this O.A., challenging the order of removal and claiming various reliefs.

2. The applicant contends that her husband was mentally ill and obviously for that reason, he could not respond to the charge memo and did not participate in the subsequent proceedings. She contends that her husband had rendered unblemished service spread over more than quarter century and that the respondents ought not to have imposed such a harsh punishment on him, leaving the entire family in penury. The applicant said to be a blind woman.

3. The respondents filed counter affidavit, opposing the O.A. They stated that the unauthorized absenteeism of the applicant's husband has resulted in issuance of show cause notice and he did not respond to it. They contend that left with no alternative, disciplinary proceedings were initiated, but the employee did not participate in the disciplinary proceedings and accordingly the order of punishment was passed.

4. We heard Smt. Kavitha representing Sri N. Ramesh, learned counsel for the applicant and Sri N. Srinivasa Rao, learned Standing Counsel for the respondents.

5. The only charge against the employee was that he remained unauthorizedly absent in different spells, aggregating to 249 days. There is no allegation that he was a habitual absentee. He rendered service spread over more than 25 years and at that stage, he appears to have developed some health/ mental problems. Such a long service rendered by the employee, cannot be annulled totally, when there are no serious charges.

6. Various benefits are provided under the relevant provisions of law to give adequate protection to the employee, after retirement. The Railways have framed a scheme for providing compassionate allowance, even where punishment is imposed. We are of the view that this is a fit case for extension of compassionate allowance, particularly in view of the fact that the employee is no more and the applicant is a blind woman.

7. We, therefore, allow the O.A. and direct the respondents to extend the benefit of compassionate allowance in all respects to the applicant, within a period of two months from the date of receipt of this order. There shall be no order as to costs.

**(NAINI JAYASEELAN)**  
**MEMBER (ADMN.)**

**(JUSTICE L. NARASIMHA REDDY)**  
**CHAIRMAN**

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