

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/21/569/2019

Dated: 03/07/2019

Between

P. Dasaiah, S/o. Guravaiah,
Aged about 60 years,
Occ: Senior Booking Clerk/ Purna,
(Dismissed from service),
Office of the Booking Office/ Purna,
South Central Railway, Hyderabad Division,
Secunderabad ̄ 500 071.

... Applicant

AND

1. Union of India rep. by
The General Manager,
South Central Railway,
Rail Nilayam, III Floor,
Secunderabad ̄ 500 071.
2. The Chief Personnel Officer,
Rail Nilayam, IV Floor,
S.C. Railway, Secunderabad.
3. The Divisional Railway Manager,
Nanded Division, S.C. Railway,
Nanded.
4. The Divisional Personnel Officer,
Officer of the Sr. DPO/ NED,
Nanded Division, S.C. Railway,
Nanded.

... Respondents

Counsel for the Applicant

: Mr. N. Subba Rayudu

Counsel for the Respondents

: Mrs. A.P. Lakshmi, SC for Railways

CORAM :

Hon'ble Mr. A.K. Patnaik, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member

ORAL ORDER

[A.K. Patnaik, Judl. Member]

Heard Mr. N. Subba Rayudu, learned counsel for the applicant and Smt. A.P. Lakshmi, learned Standing Counsel for the respondents, in extenso.

2. The O.A. has been filed u/Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:

ö.....to direct the respondents herein to grant compassionate allowance with retrospective effect w.e.f. 15.10.1996, and consequently direct the respondents to pay the applicant arrears of compassionate allowance w.e.f. 15.10.1996 forthwith.ö

3. Learned counsel for the applicant submitted that the applicant is challenging the impugned order issued by the Respondent No.3 dated 12.7.2017 sanctioning compassionate allowance to the extent of 2/3rd pension subject to minimum of Rs.3500/- plus dearness allowance relief with prospective effect as illegal, arbitrary, harsh and against the Articles 14, 16 & 21 of the Constitution of India.

4. Learned counsel for the applicant brought to our notice the RBE No. 164/2008 under Annex.A-9 and submitted that such RBE stipulates that öAward of compassionate allowance should not be considered if the Railway

servant had been dishonest, which was a ground for his removal/ dismissal.ö Besides, a person who is dismissed from service should be granted compassionate allowance from the date of dismissal, which in the instant O.A. is 15.10.1996. But in fact, the compassionate allowance was granted from 12.7.2017.

5. On being questioned whether he has ventilated his grievance before the authorities, it is brought to our notice that a representation under Annex. A-6 has been made to Respondent No.2. But till date, there is no response from the said respondent let alone getting the revised compassionate allowance from the date of dismissal of the applicant i.e. w.e.f. 15.10.1996. Therefore, without awaiting any reply or rejoinder, we thought it appropriate directing the Respondents No.1 & 2 to immediately consider the said representation under Annex.A-6, if it is still pending consideration, keeping in view the Railway Board Circular RBE No.164/2008 under Annex.A-9 and any other Circular in force and dispose of the same, and in case it is found that he is otherwise eligible and entitled to the said benefit in conformity with the RBE No.164/2008, then expeditious steps may be taken within six weeks from the date of receipt of this order, by disbursing the same to the applicant.

6. With the aforesaid direction, the O.A. is disposed of.

7. As requested by the learned counsel for the applicant, a copy of the paper book be sent along with this order by speed post by Registry by tomorrow to Respondents No.1 & 2, at the cost of the applicant.

8. A free copy of this order be handed over to Smt. A.P. Lakshmi, learned Standing Counsel for the respondents.
9. There shall be no order as to costs.

(B.V. SUDHAKAR)
ADMN. MEMBER

(A.K. PATNAIK)
JUDL. MEMBER

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