

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 40587 of 2016

ORDER: (*Per VRS,J*)

Aggrieved by the dismissal of his application by the Central Administrative Tribunal, claiming the grant of compassionate allowance, an ex-employee of the South Central Railway has come up with the present writ petition.

2. Heard Mr. P.L. Rao, learned counsel for the petitioner.

3. The petitioner joined service on 01.03.1974 and he was removed from service with effect from 01.01.1988. The order of removal has attained finality. After 25 years of his removal, the petitioner made an application for the grant of compassionate allowance under Rule 65 of the Railway Services (Pension) Rules. When it was rejected, he went before the Tribunal and the Tribunal dismissed the application, on the ground that Rule 65 would apply only in deserving cases and the what are deserving cases have to be considered, in the light of a Circular bearing No.90/2005, dated 14.06.2005.

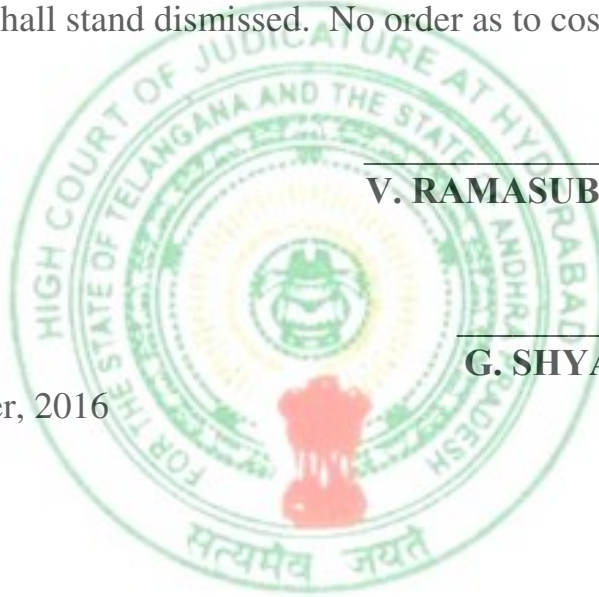
4. We find that the order of the Tribunal does not call for any interference. Rule 65, which speaks about the grant of allowance in deserving cases, is silent as to what are deserving cases. Therefore, the Circular, dated 14.06.2005, holds the field. Obviously, the petitioner does not specify the criteria laid down therein. Hence, the dismissal of the application by the Tribunal cannot be found fault with. Therefore, the Writ Petition is dismissed.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

25th November, 2016
cbs





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