

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1635 of 2017**

Devchand Dayaram Dahat S/o Dayaram Dahat, Aged About 57 Years R/o C/o Deoki Ramtake, Ittabhatti, Behind School, Yamuna Nagar, Mangla, Tahsil Town And District Bilaspur (Chhattisgarh).

---- Petitioner

Versus

1. Union of India Through Secretary, Ministry of Railways Rail Bhawan, Raisina Road, New Delhi 110001.
2. The General Manager, South Eastern Central, Railway, Bilaspur, Chhattisgarh.
3. Senior Divisional Operations Manager, South Eastern Central Railway, Nagpur, Maharashtra.

---- Respondents

For Petitioner : Shri Jitendra Gupta, Advocate.

For Respondent/SECR : Shri Amit Buxy, Advocate on behalf of Shri Abhishek Sinha, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge.

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****07/07/2017**

1. This writ petition is by a person who was a Junior Porter serving the South Eastern Central Railway. He challenges the dismissal of his application filed before the Central Administrative Tribunal seeking a direction that he be granted pension.
2. We have heard the learned counsel for the Petitioner and the learned counsel for the Respondent/Establishment.
3. Though the Petitioner was not represented through counsel at the time of the final consideration of the matter by the Tribunal, we have elaborately adverted to the

relevant facts and factors. We see that the Establishment was justified in pleading before the Tribunal that the Petitioner was not entitled to pension since he did not have the minimum qualifying service. He served only for 8 years 3 months and 11 days while he remained unauthorizedly absent for nearly 1683 days. With this fact situation, we do not find any error of jurisdiction or legal infirmity in the learned Tribunal having dismissed the application of the Petitioner. No interference by this Court under Article 227 of the Constitution of India is hence called for.

4. Before parting, we may record that though an attempt was made by this Court to find out whether the Petitioner could be granted extraordinary pension, the learned counsel for the Railways had mentioned, on instructions, that such provision is not available. We would therefore leave open the right of the Petitioner to seek any ameliorative relief from the Railways on humanitarian grounds. If the Establishment is prepared to accede to any such request, this judgment will not stand in the way of that being done.
5. Subject to whatever stated in the immediate preceding paragraph, this writ petition fails and it is, accordingly dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE