

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15552 of 2018

ORDER:

This writ petition is filed challenging the proceedings in Memo No.1803/Emp.Vig/A3/2015-3, dated 01-12-2017, wherein and whereby the petitioner's application for compassionate allowance under Rule 40 of Revised Pension Rules (Rules) was rejected stating as closed case.

Learned counsel for the petitioner submits that the case of the petitioner has to be considered under Rule 40 of Rules. But without considering the same, request of the petitioner was rejected.

Heard learned Assistant Government Pleader for Labour (Services).

Rule 40 of Revised Pension Rules reads as under:

Compassionate allowance: “ A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity.

Provided that the authority competent to dismiss or remove him from service, may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two thirds of pension or gratuity or both which would have been admissible to him if he had retired on invalid pension.”

A reading of the impugned order goes to show that the 1st respondent has not primarily considered the application of the petitioner in terms of *proviso* to Rule 47 of Rules.

In view of the same, the impugned order is set aside and the competent authority is directed to reconsider the same in terms of *proviso* to Rule 47 of Rules within a period of four months from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

27-04-2018

Note:

Issue CC in one week.

B/o.

Nvl





