



W.P.(MD) No.6448 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.6448 of 2018

M.Arunachalam

... Petitioner

-VS-

1.The General Manager,
Southern Railway
Park Town
Chennai 600 003

2.The Chief Security Commissioner
Railway Protection Force,
Southern Railway
Moore Market Complex 6th Floor,
Chennai 600 003.

3.The Divisional Security Commissioner
Railway Protection Force,
Southern Railway
Trichirappalli.

4.The Assistant Commissioner cum
Disciplinary Authority
Office of the Divisional Security Commissioner
Railway Protection Force,
Southern Railway, Trichirappalli.

... Respondents



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Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order No.SKT/0500/Compassionate allowance 2015 dated 30.09.2015 passed by the 3rd respondent and to quash the same as arbitrary, unreasonable and illegal and against the railway board circulars and to direct the 3rd respondent to grant the petitioner compassionate allowance or gratuity or both according to railway pension rules and railway board circulars from the date of removal from the service.

For Petitioner : Mr.T.Ramalingam

For Respondents : Mr.S.Manohar

ORDER

Challenging the impugned order of the 3rd respondent dated 30.09.2015 and for a direction to the 3rd respondent to grant the petitioner compassionate allowance or gratuity or both according to railway pension rules and railway board circulars from the date of removal from the service, the petitioner is before this Court.



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2.The case of the petitioner is that the petitioner joined Railway Protection Force Southern Railway as Constable on 11.12.1980. While he was working in Trichirappalli, the 4th respondent issued a charge sheet dated 09.11.1994 for major penalty. An enquiry officer was appointed and a report was also submitted. Subsequently, the petitioner was imposed with a punishment of removal from service on 03.04.1995. Aggrieved by the order of the disciplinary authority, the petitioner preferred appeal before the appellate authority, namely, the second respondent. The second respondent confirmed the order by order dated 01.12.1995. After exhausting the remedies available in the Railways, the petitioner filed a suit in OS No.4075/1995 before the City Civil Court, Chennai. The said suit came to be dismissed, against which, an appeal suit was preferred in AS No.471/2005 before the Additional District Judge, (Fast Track Court No.II) Chennai, which was also dismissed and a second appeal filed in SA No.728/2008 also dismissed. It is his further case that as per the Railway Service (pension) Rules, 1993, he is entitled to get compassionate allowance/gratuity, for which, he sent a representation on 18.09.2015 to the third respondent herein. However, the same was rejected and in the said impugned order, it is stated that the



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petitioner is a dishonest person and compassionate allowance should not be considered and hence, the petitioner is before this Court with this writ petition.

3. The learned counsel for the petitioner would submit that the petitioner is not a dishonest person and the lapses committed by him and the charges are minor in nature and hence, the impugned order is not sustainable one and prays for appropriate relief.

4. Per contra, the learned standing counsel for the respondents would submit that the petitioner was imposed with a punishment of removal of service. Prior to that six punishments were imposed against the petitioner and the compassionate allowance will be considered for sincere servicemen and hence, the petitioner is not entitled for any relief, he contended.

5. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.



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6. The facts that the petitioner was appointed and subsequently, for the charges framed, enquiry was conducted and upon contemplation of disciplinary proceedings and on proven charges, he was removed from service are all not disputed. As per the Railway Service (pension) Rules, 1993, a person, who was sincere in work only will be entitled for compassionate allowance. Since the petitioner was removed from service, he is not entitled for any compassionate allowance. Accordingly, no interference is warranted to the impugned order and the writ petition is dismissed. No costs.

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NCC : Yes/No
Index : Yes/No

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M.DHANDAPANI, J.

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