

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK

Writ Petition No.35929 of 2015

ORDER : *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

This Writ Petition is filed by the petitioners under Article-226 of the Constitution of India seeking a 'Writ of Mandamus' by calling for records relating to the order passed by the Central Administrative Tribunal (for short, 'the Tribunal'), Hyderabad in O.A.No.574 of 2012, dated 31.10.2014 and to quash the same.

2. Heard the Mr. P. Ravi Shankar, learned counsel for the petitioner, Mrs. P. Sharada, learned Standing counsel for the respondents and Mrs. L. Pranathi Reddy, learned counsel for the respondent Nos.5 & 6.

3. Learned counsel for the petitioner contended that petitioner was appointed as 'Technician' with the respondents in the year 1964 and he was removed from service in September, 1991. Thereafter, petitioner has been submitting his representations seeking compassionate allowance, but the case of the

petitioner was rejected by the respondents vide proceedings dated 15.03.2011. Aggrieved by the same, the petitioner has approached the Tribunal by filing O.A.No.574 of 2012 and the Tribunal vide orders dated 31.10.2014 was pleased to dismiss the O.A without appreciating any of the contentions raised by the petitioner. Therefore, appropriate orders be passed in the writ petition directing the respondents to grant compassionate allowance to the petitioner.

4. This Court, having considered the rival submissions made by the parties, is of the considered view that Rule 41 of the CCS Pension Rules makes it clear that whenever a Government employee is not able to sustain himself, the employee can submit an application. Therefore, this court is of the considered view that the writ petition can be disposed of giving liberty to the petitioner to approach the respondents to submit a fresh application in terms of Rule 41 of CCS Pension Rules seeking claim for grant of compassionate allowance by duly enclosing all the

relevant records and upon such representation being made, the respondents shall consider the same and pass appropriate orders in accordance with law.

5. With these observations, the Writ Petition is disposed of. No costs.

6. As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK , J

Date: 10.01.2023
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