



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2265/2025

Union of India and Ors. Vs. Rajendra Jha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. A. Chaudhari, Advocate for Petitioners.

CORAM : NITIN W. SAMBRE AND
MRS.VRUSHALI V. JOSHI, JJ.

DATED : 29/04/2025.

Heard.

2. The Original Application No.2160/2020 preferred by the respondent employee was heard and allowed by the Central Administrative Tribunal with following directions :

“19. O.A. is, therefore, allowed. The impugned order dated 15th May, 2020 is set aside. The respondents are directed to pay the arrears of Compassionate Allowance to the applicant within a period of four months from the date of receipt of a certified copy of this order. Pending MAs, if any, stand disposed of. No costs.”

3. Mr. Chaudhari, learned Counsel appearing for the petitioners has made two-fold submission :

That the claim of the petitioners for terminal benefits has achieved finality in view of dismissal of Special Leave Petition preferred by the respondent on 10.11.1998 with the following order :

“After hearing learned counsel for the parties at length examining the record including

service record of the petitioner, we are of the opinion that the order of termination of the service of the petitioner by the General Manager, Ordinance Factory does not call for any interference at our hands in exercise of our jurisdiction under Article 136 of the constitution of India, more particularly, since the Central Administrative Tribunal also found no fault with it. The special leave petitions are dismissed. However, in view of certain technical pleas raised, it appears to us to give a quietous to the entire controversy. We direct the respondent – Union of India to pay to the petitioner a sum of Rs.50,000/- in full and final settlement of all his claims against the Union of India. The amount shall be paid within ten weeks. This payment shall, however, be without prejudice to the right, if any, of the petitioner to receive gratuity etc., if permissible under the Rules.”

4. According to him, subsequent thereto, even if the respondent has lodged his claim, the same was not only at a belated stage but the sanction of the same was by an unauthorized/incompetent authority. So as to substantiate the aforesaid contentions, Mr. Chaudhary, the learned Counsel for the petitioner would invite our attention to the communication dated 11.02.2025.

5. We have appreciated the aforesaid submissions in the light of the observations made by the Central Administrative Tribunal in the order impugned.

6. The fact remains that the Hon'ble Apex Court while dismissing the petition of the respondent has observed that one time compensation to be paid to the employee is without prejudice to their rights, if any, to

receive gratuity etc. as is permissible under the Rules.

7. As such, there is a scope left by the Hon'ble Supreme Court to the respondent employee to claim the benefit otherwise as are permissible and payable under the Service Rules. The same has prompted the petitioners to approach before the Central Administrative Tribunal seeking relief in relation to the compassionate allowance.

8. It appears that the Tribunal after adjudication of the claim by the respondents before it with following observations has allowed the Original Application and directed the amount to be paid to the respondent employee. The relevant observations made by the Central Administrative Tribunal reads thus :

“16. When the Appointing and Disciplinary Authority of the applicant in the year 1992 was the General Manager Ordnance Factory, Bhusawal, naturally the appointing authority and the disciplinary authority of the applicant would be General Manager, Ordnance Factory, Bhusawal in the year 2013. In the case at hand, the respondents have not placed on record anything to show that the Additional Director Ordnance Factory, Kolkata was the competent authority of the applicant in the year 2013. Therefore, the contention of the respondents does not hold ground.

17. It is the contention of the respondents that the General Manager mis-interpreted the order of the Supreme Court while granting Compassionate Allowance. The nothing of the Pension Cell shows that Compassionate Allowance was granted in similar cases earlier. Therefore, the case of the applicant was

considered.

18. Moreover, it is not made clear as to under which provision this order of cancellation of Compassionate Allowance is passed. This order is passed after seven years after the order of grant of Compassionate Allowance, that too without any show cause notice to the applicant. Therefore, principles of natural justice have been violated. In this view of the matter, the impugned order cannot be sustained. Hence it is set aside.”

9. A perusal of the aforesaid contention would reflect that, the Tribunal was of the view that the present petitioners have failed to demonstrate from the record that the Additional Director, Ordnance Factory, Calcutta was the Competent Authority of the applicants in the year 2013.

10. Mr. Chaudhary, learned Counsel appearing for the petitioners though has placed reliance to justify the said claim to demolish the aforesaid observations made in para No.16 of the impugned order and the communication dated 11.02.2025, the fact remains that such communication was never produced before the Tribunal for its consideration at the time of adjudication of the claim put forth by the respondents employee.

11. As such, there is a reason to believe that the communication dated 11.02.2025 is offered subsequent to the impugned order so as to cover up the observations made in para 16, 17 and 18 of the impugned order. Even, otherwise, the perusal of the communication dated 11.02.2025 would reveal that the said communication will

have a prospective and not a retrospective effect as is sought to be claimed.

12. For the aforesaid reasons, we see no ground to cause interference in extraordinary jurisdiction. The petition accordingly failed, stands dismissed.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)