



WEB COPY

W.A.No. 354 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 354 of 2025

R.Nagarajan

... Appellant

Vs.

The Divisional Security Commissioner,
Railway Protection Force,
New General Office / Annex,
Chennai - 600 003.

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 05.12.2024 made in W.P.No.14601 of 2022.

For Appellant : Mr.P.Ganesan

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Challenge is to the order dismissing the writ petition in W.P.No.14601 of 2022 filed by the appellant, questioning the order refusing payment of compassionate allowance.



2. The very application for payment of compassionate allowance was made by the appellant, relying upon Railway Service (Pension) Rules, 1993 and Rule 65, which provides for compassionate allowance reads as follows:-

"65. Compassionate allowance – (1) A railway 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 compensation pension.

(2) A compassionate allowance sanctioned under the proviso to sub-rule (1) shall not be less than three hundred seventy five rupees per mensem."

3. On a reading of the Rule, it is clear that compassionate allowance could be sanctioned only if the case is deserving for special consideration. The appellant was dismissed from service for having conducted a business in the name of his wife while in service as a Constable with a Railway Protection Force. The order of dismissal has been affirmed upto the highest Court of the land. Therefore, the appellant cannot now contend that the ground, on which, he was dismissed is not correct. The discretion to



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sanction compassionate allowance is vested with the Authority, subject to a finding that the dismissed Employee deserves special consideration. The Authority had passed a reasoned order, setting out the reasons as to why the appellant cannot be considered for payment of compassionate allowance.

4. This Court, sitting under Article 226 cannot substitute its discretion to the discretion of the Employer more so, when the order of dismissal on the ground of carrying on a parallel business, that too, in the name of his wife, inviting criminal prosecution in the course the said business. Hence, we see no merit in the appeal. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs.

(R.S.M., J.) (G.A.M., J.)
20.02.2025

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Index: No
Speaking order
Neutral Citation : No

R.SUBRAMANIAN, J.
and
G. ARUL MURUGAN, J.



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