



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-29396-2022

Date of Decision : 28.01.2026

Balwinder Singh**....Petitioner****Versus****Union of India and others****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. Ashish Rawal, Senior Panel Counsel
for respondent No.1 – UOI.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 16.08.2019 (Annexure P-2) passed by respondent No.3 – Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as ‘the Tribunal’), by which, the claim raised by the petitioner for the grant of pension or compassionate allowance, has been declined. The learned counsel for the petitioner argues that the claim for grant of compassionate allowance is without any valid justification.

2. The learned counsel for the petitioner argues that the claim of the petitioner for grant of compassionate allowance as admissible under Rule 65 of Railway Services (Pension) Rules, 1993 (for short, ‘the 1993 Rules’), has been declined without examining the same on merits and the Original Application was dismissed on the ground of delay which is incorrect and therefore, the order dated 16.08.2019 (Annexure P-2) passed by the Tribunal,



is liable to be set aside and the direction needs to be given to the respondent to grant him the benefit of the compassionate allowance, as admissible under Rule 65 of the 1993 Rules.

3. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

4. It may be noticed that the services of the petitioner was terminated on 30.06.1995. The cause of action to claim the compassionate allowance arose on the said date in case the petitioner felt that he is entitled for the same. As per Section 21 of the Administrative Tribunals Act, 1985, (for short, 'the 1985 Act'), Section 21 whereof is extracted hereunder, the prescribed limitation period to approach the Tribunal for redressal of grievance is 01 year from the date of cause of action arose in case any written order is passed and in those case where any benefit is being claimed or redressal of grievance is sought by seeking direction, the prescribed period of limitation stipulated is 01 year and 06 months from the date cause of action accrues in the way that after filing of a representation, when no order has been passed within six months of such filing, and thereafter a period of one year has been prescribed within which application can be admitted by the Tribunal. In the present case, as the claim was raised for grant of benefit while seeking direction for same, the maximum limitation period prescribed is 01 year and 06 months which period stood expired much before the claim was raised in the year 2018, i.e. after a period of 23 years.

“21. Limitation.—

(1) A Tribunal shall not admit an application —

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been



made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

- (b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.*
- (2) Notwithstanding anything contained in sub-section (1), where —*
 - (a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and*
 - (b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court,*

the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or, as the case may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

- (3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.”*



5. Even otherwise, as per the order dated 16.08.2019 (Annexure P-2) passed by the Tribunal, the grant of compassionate allowance was raised and was rejected in the year 2010, which order was never challenged hence, even otherwise, even if the limitation prescribed is to be calculated starting from the year 2010, filing an Original Application in the year 2018 was time barred.

6. The learned counsel for the petitioner has not been able to show as to how, the petition filed was within the prescribed period of limitation keeping in view of the provisions of Section 21 of the 1985 Act. Any subsequent representation made and rejected, will equally not enhance the limitation period under any circumstances.

7. As the petitioner is claiming the grant of benefit of compassionate allowance, which is part of the pension Rules, this Court is also examining the said claim on merits as well. The Rule 65 of Railway Services (Pension) Rules, 1993, is as under:

“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-third 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 thousand five hundred rupees per mensem (Authority Railway Board's letter No.2011/F(E) III/ 1/9 dated 23.09.13).”



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8. A bare perusal of the above reproduced Rule, would show that the said benefit of compassionate allowance is only admissible in case the employee concerned is deserving of special consideration. In the present case, the services of the petitioner were terminated on the ground that he remained absent from performing his duties without permission from authorities concerned. It is in the light of these facts the question which is to be answered is that how can a person, who remains absent from performing the duties and is ultimately dismissed on this behalf, can be granted the benefit of compassionate allowance so as to be treated as a “deserving case”, which question, in view of the discussion hereinbefore is answered in negative.

9. As the petitioner has not been able to show that he being a deserving candidate is entitled for benefit of compassionate allowance, even otherwise, no benefit could have been granted to him. Keeping in mind said, no ground is made out for any interference by this Court in the facts and circumstances of the present case especially when no perversity is shown to this Court in the order impugned qua facts on record or principles of law.

10. Accordingly, the writ petition is dismissed.

11. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

January 28, 2026

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No