

SUPREME COURT OF INDIA

Rita Rani

Vs.

Union of India

C.A.No.4307 of 2008

(K.G. Balakrishnan CJI., P. Sathasivam and J.M. Panchal JJ.)

10.07.2008

ORDER

1. Delay condoned.
2. Leave granted.
3. Heard learned counsel for the appellant and learned Additional Solicitor General appearing for the Union of India.
4. The appellant is the wife of Subeg Singh who joined service as a Khalasi (Helper) in the Northern Railways in 1984. Subeg Singh was served with a charge sheet on 7.7.1995 and he filed his explanation and after departmental enquiry on 17.11.1995 he was removed from service. Subeg Singh challenged the order before the Central Administrative Tribunal and the O.A. was dismissed. The present appellant submitted that her husband Subeg Singh filed appeal on 10.9.1996 but the respondent Railways does not admit that the appeal had been filed by Subeg Singh. Subeg Singh died on 15.8.2000. The present appellant filed an application before the Central Administrative Tribunal for pension but that was rejected. She challenged that order before the High Court by way of writ petition and that was also dismissed on the ground that Subeg Singh had not challenged the order of removal from service by way of an appeal. It appears that Subeg Singh could not pursue the appeal as he had passed away during that time. Anyway we are not very much concerned with the validity of his removal.
5. It is pointed out by the appellant's counsel that two other employees, who were prosecuted for disciplinary proceeding along with Subeg Singh, were later reinstated in service and on going through the charges framed against him, it appears that the charge against Subeg Singh was that he had threatened the Superintendent. That apart there was no other charge against him. He had served for more than 10 years, when he was removed from service.
6. In the facts and circumstances, we direct the respondent- Railways to consider whether the appellant herein would be entitled to get any pension on compassionate ground. The matter

may be considered and appropriate orders may be passed within a period of three months by the appropriate authority.

7. The appeal is disposed of accordingly. No costs.