

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.2.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

Writ Petition No.3005 of 2015

A.Kalaivani

...Petitioner

Vs

- 1.Union of India, rep.by the General
Manager, Southern Railway,
Park Town, Chennai-3.
 - 2.The Chief Personnel Officer, Southern
Railway, Park Town, Chennai-3.
 - 3.The Senior Divisional Personnel Officer,
Southern Railway, Chennai Division,
NGO Annexure, Park Town, Chennai-3.
 - 4.The Registrar, Central Administrative
Tribunal, Madras Bench, Chennai-104.
- ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records connected with the order passed in O.A.No.310/00172/2014 and M.A.No. 631/2013 dated 17.12.2014 passed by the fourth respondent, quash the same and consequently direct the respondents 1 to 3 to appoint the petitioner's son namely K.Sasikumar on compassionate ground.

For Petitioner : Mr.S.Ilamvaludhi

ORDER OF THE COURT WAS MADE BY V.RAMASUBRAMANIAN,J

Aggrieved by the dismissal of her application by the Central Administrative Tribunal, questioning the correctness of the order rejecting her claim for appointment on compassionate grounds, the wife of the deceased employee of the Southern Railway has come up with the above writ petition.

2. Heard Mr.S.Ilamvaludhi, learned counsel for the petitioner.

3. The petitioner is the wife of one Arjunan, who died in harness on 9.11.2006. Claiming that the petitioner and her husband had adopted a child by name Sasikumar way back in the year 2000 and that an adoption deed came to be executed after six years in 2006, the petitioner made an application for appointment of her son Sasikumar on compassionate grounds. It was rejected by the Railway Administration suspecting the validity of the adoption. The order of rejection was challenged by the petitioner after a delay of about 1090 days. Taking a sympathetic view, the Tribunal condoned the delay, but dismissed the main application on merits. Aggrieved by the said order, the petitioner is before this Court.

4. The circumstances, under which, the adoption is said to have been taken place show that the only purpose of the adoption was actually to create an employment opportunity for the said Sasikumar. Though the petitioner claimed that an adoption was made on 14.1.2000, a deed of adoption was registered only on 12.6.2006, just five months before the death of the petitioner's husband on 9.11.2006. At that time, the petitioner's son - the said Sasikumar had almost become a major.

5. The Tribunal found that the said Sasikumar was the biological son of another railway employee by name R.Kesavan in the office of the Senior Section Engineer, Perambur. Taking note of the family composition of the biological father of the said Sasikumar and taking note of the railway passes, medical facilities and other financial benefits availed by the said Sasikumar even after the so called adoption, the Tribunal came to the conclusion that the adoption was actually a farce.

6. The Tribunal took note of the decisions of the Supreme Court in Director of Education (Secondary) Vs. Pushpendra Kumar [1998 SCC (L&S) 1302] and Umesh Kumar Nagpal Vs. State of Haryana [1994 (4) SCC 138], to come to the conclusion that the right to seek employment on compassionate grounds, is not a hereditary right created in favour of the employees. On facts, once it is found that the adoption was farce, the only conclusion that could be reached by an employer was the one that the Tribunal has approved. Therefore, we find no grounds to interfere with the order of the Tribunal.

7. Accordingly, the writ petition is dismissed.

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1.The General Manager, Southern Railway,
Park Town, Chennai-3.

2.The Chief Personnel Officer,
Southern Railway, Park Town, Chennai-3.

3.The Senior Divisional Personnel
Officer, Southern Railway, Chennai
Division, NGO Annexure, Park Town,
Chennai-3.

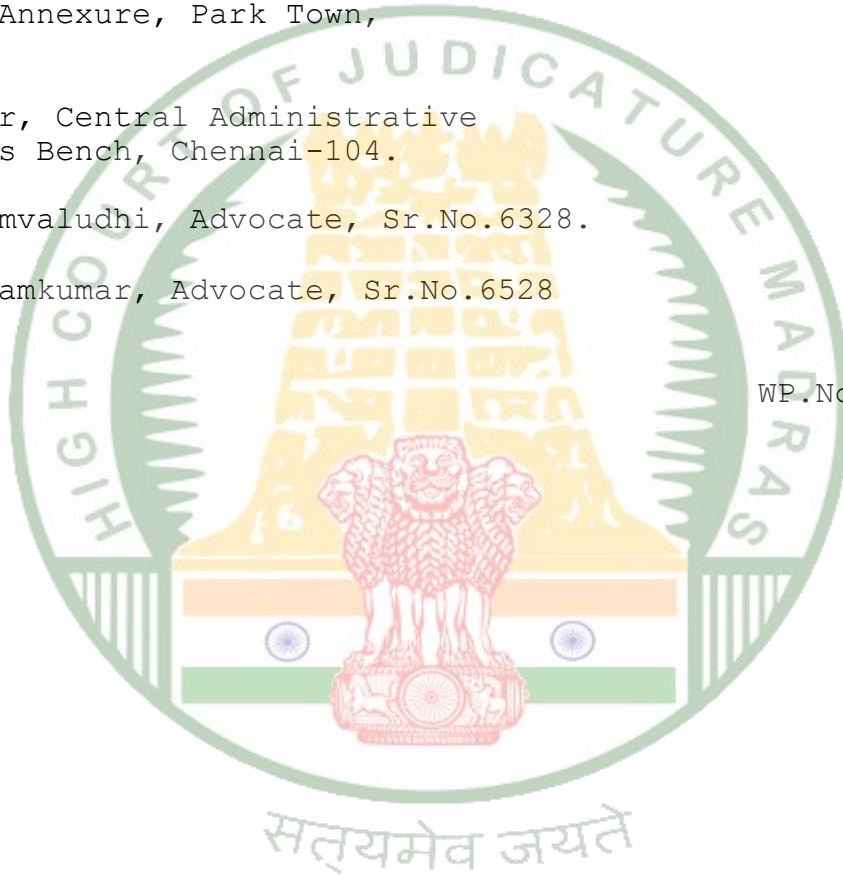
4.The Registrar, Central Administrative
Tribunal, Madras Bench, Chennai-104.

CC to Mr.S.Ilamvaludhi, Advocate, Sr.No.6328.

CC to Mr.P.T.Ramkumar, Advocate, Sr.No.6528

WP.No.3005 of 2015

SV(CO)
KP(24.02.2015)



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