

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.30115 of 2012
and M.P.No.1 of 2012

1. Union of India,
represented by the General Manager,
Southern Railway,
Chennai - 600 003,
2. The Divisional Railway Manager,
Personnel Branch, Chennai Division,
Chennai - 600 003. Petitioners

Vs.

1. The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai - 600 104,
2. T.Amul Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the relief of issuance of writ of certiorari to call for the entire records of the 1st respondent in O.A.No.896 of 2010 including the order dated 19.1.2012 and quash the same.

For Petitioner : Mr.V.G.Suresh Kumar

For Respondents : Mr.A.R.Suresh for R.2
R1 Tribunal

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

This writ petition is filed by the petitioners challenging the Order dated 19.1.2012 made in O.A.No.896 of 2010, in and by which, the Central Administrative Tribunal has quashed the order dated 4.3.2010 passed by the 2nd petitioner herein rejecting the claim of the 2nd respondent for compassionate appointment and directing the petitioners to re-consider the claim of the 2nd

respondent for grant of compassionate appointment in any Group D post.

2. The 2nd respondent filed an application before the Central Administrative Tribunal contending that her adoptive father - A.Thirumalai, who was employed as a Compound Gangman in the office of the Section Engineer/Works, Madras Park, was terminated with effect from 23.10.2003 as he was declared medically unfit. Subsequently he died on 14.12.2004 leaving behind him, his wife - Rajeswari, 2nd respondent and the adoptive son - T.Thennarasu. As her brother did not possess the requisite qualification, his claim of compassionate appointment was rejected. Thereafter, her mother made an application on 24.6.2005 to consider the 2nd respondent for compassionate appointment. On rejection of the said request, the 2nd respondent filed application before the Central Administrative Tribunal, wherein the petitioners were directed to consider the claim of the 2nd respondent for compassionate appointment.

3. The petitioners challenged the Order passed by the Central Administrative Tribunal contending that the 2nd respondent cannot be considered for appointment on compassionate grounds unless her status as adoptive daughter of deceased employee - A.Thirumalai is established through a competent Civil Court.

4. It is submitted by the learned counsel for the petitioners that the 2nd respondent, who sought for compassionate appointment, is reported dead and the same is confirmed by the learned counsel for the 2nd respondent. Considering the said fact, the writ petition is disposed of granting liberty to the family members of the 2nd respondent to work out their remedy in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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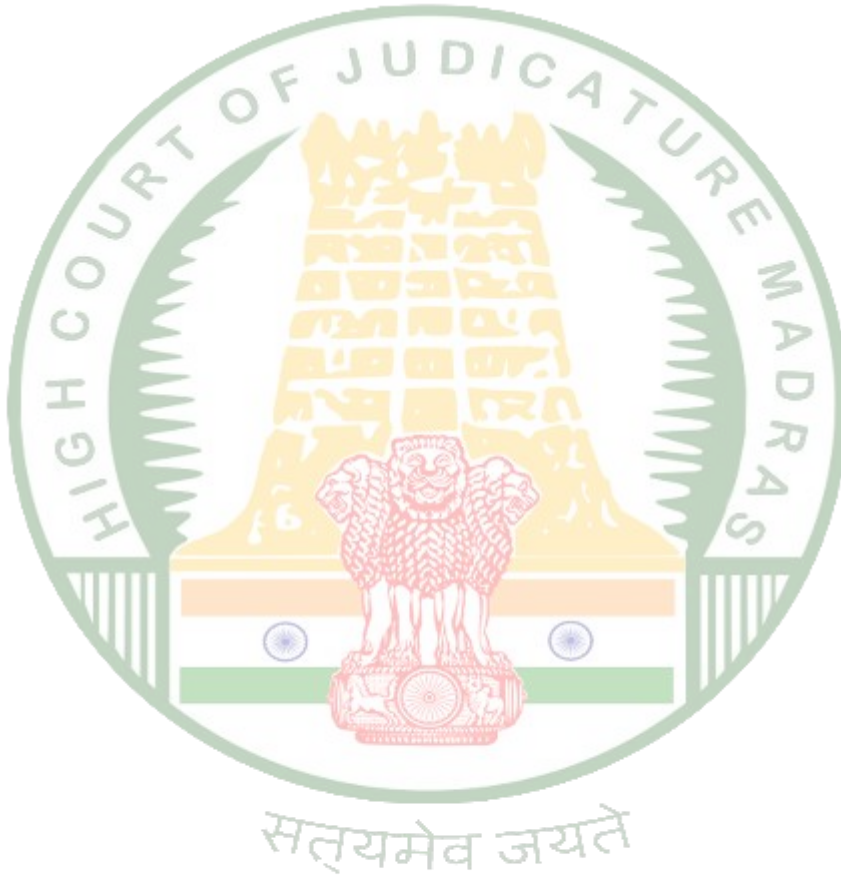
1. The General Manager, Southern Railway,
Park Town,
Chennai - 3,
2. The Additional Divisional Railway Manager,
Salem Division, Southern Railway,
Salem.
3. The Divisional Personnel Officer,
Salem Division, Southern Railway,
Salem.

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

1 cc to M/s.A.R. Suresh, Advocate, Sr. 10709

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