

The Hon'ble Sri Justice C.V.Nagarjuna Reddy
and
The Hon'ble Sri Justice G.Shyam Prasad

Writ Petition No.17639 of 2016

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Date: 09.06.2016

Between:

The Union of India
rep. by Secretary
New Delhi and 3 others

.. Petitioners

and

Smt.Nagamma and 2 others

.. Respondents

Counsel for the petitioners :

Mrs.K.Aruna

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The Court made the following:

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Order : (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for a Certiorari to quash Order, dated 01-10-2015, in OA.No.1104 of 2014 on the file of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad (for short 'the Tribunal').

One Hanumaiah Papaiah was employed as Keyman in petitioner No.4- Organisation. After putting in a service of 22 years, he died in harness on 27-06-2009. Respondent No.1 has applied for compassionate appointment in favour of her son *i.e.*, respondent No.2 herein. Petitioner No.4, by an order in writing, rejected the request of respondent No.1 on the ground that the deceased employee had a first wife and that without legally dissolving the said marriage, he had married respondent No.1 and that, therefore, the latter and her children are not eligible for compassionate appointment. By the impugned order, the Tribunal, after considering the rival pleadings and the entire material, allowed the OA by observing that the petitioners failed to substantiate the only ground of rejection of compassionate appointment *viz.*, that the deceased employee had a first wife and that respondent No.1 is not his legally wedded wife. It was further observed that except for

the local enquiry conducted by the staff and the Welfare Inspector and the unsubstantiated averments made based on such enquiries, no material was placed before the Tribunal to conclude that the deceased had initially married one Manikyamma and that respondent No.1 is his second wife.

At the hearing, the learned Standing Counsel for Railways fairly has not disputed that in the service records of the deceased employee, respondent No.1 was shown as his nominee.

As the alleged first wife of the deceased employee was not referred in any official documents, the Tribunal has rightly negated the plea of the petitioners and accepted the case of respondent Nos.1 and 2. In these facts and circumstances of the case, we do not find any reason to interfere with the well considered order of the Tribunal.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.21669 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

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(G.Shyam

Prasad, J)

Dt: 9th June, 2016

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