

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6468 of 2016**

1. Ku. Anchal Mishra D/o Late Santosh Kumar Mishra, Aged About 19 Years R/o Mitra Vihar Coony, Link Road, Bilaspur Chhattisgarh Pin Code 495001
2. Anmol Mishra S/o Late Santosh Kumar Mishra, Aged About 16 Years Applicant No 2 Minor Through His Grand Fagther And Natural Guardian Shri Nageshwar Mishra S/o Late Shiv Prasad Mishra, Aged About 76 Years, Retired Guard (S.E.C.R.) Bilaspur R/o Mitra Vihar Coony, Link Road, Bilaspur Chhattisgarh Pin Code 495001

---- Petitioners**Versus**

1. Union Of India Thorough Secretary, Ministry Of Railway, Rail Bhavan, New Delhi, Pin Code 110001
2. The General Manager, S.E.C.R. Zonal Office Railway Colony, Bilaspur Chhattisgarh Pin Code 495001
3. Divisional Railway Manager, S.E.C.R. Bilaspur Chhattisgarh Pin Code 495001
4. Senior Personnel Officer, S.E.C.R. Bilaspur Chhattisgarh Pin Code 495001
5. Smt. Rashmi Mishra, D/o Shri Vonod Kumar Upadhyay, Aged About 33 Years R/o Beladula Darraghat Raigarh Tah & Distirct Raigarh, Chhattisgarh Presently Working As Commercial Clerk Under Cihef Station Manager, S.E.C.R. Raigarh Chhattisgarh

---- Respondents

For Petitioners	:	None
For Respondents No.1 to 4	:	Ms. S. Harshita, Advocate appears on behalf of Shri Abhishek Sinha, Standing Counsel for SECR
For Respondent No.5	:	Shri Atul Kumar Kesharwani

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sharad Kumar Gupta****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****26.07.2017**

1. Heard.
2. This writ petition under Article 227 of the Constitution of India is against an order

passed by the Central Administrative Tribunal; 'Tribunal', for short.

3. Santosh Kumar Mishra employed with South Eastern Central Railways; 'SECR', for short, died in harness. The 5th Respondent Smt. Rashmi Mishra was given compassionate appointment by the Establishment. The Petitioners, who are the children of Late Santosh Kumar Mishra through his first wife who predeceased him, moved the Tribunal by instituting Original Application No. 203/00811/2014 raising issues relating to the retiral benefit and matters connected with compassionate appointment referable to the demise of Santosh Kumar Mishra. That Original Application was ordered by the Tribunal requiring the Establishment to pass a considered order after hearing the parties. Thereupon, the Establishment passed an order dated 10.12.2015, the relevant portion of which is extracted in paragraph 4 of the order of the Tribunal which is impeached in this writ petition. That decision of the Establishment shows that the provident fund, gratuity, family pension and other dues have been apportioned and deposits have been made to take care of the interest of the Petitioners. Compassionate appointment was to go to the 5th Respondent Smt. Rashmi Mishra, the surviving widow of Santosh Kumar Mishra. She had also undertaken to part with 1/3rd of her salary to the children through the first wife of Late Santosh Kumar Mishra. Thus, the petitioners, who are the children of Late Santosh Kumar Mishra through his first wife, are provided for through the decision that was rendered by the Establishment in obedience to the directions given by the Tribunal in Original Application No. 203/00811/2014.
4. In the present round, the Tribunal has considered the contents of the aforesaid decision of the Establishment and has weighed all pros and cons of the factual scenario. Thereby, the Tribunal has refused to interfere with the decision of the Establishment. We cannot but hold that the said decision is in conformity with the authority in terms of the provisions of the Administrative Tribunals Act. Having

regard to the facts and materials, we also do not find any illegality or failure of justice in the Tribunal's refusal to interfere with the decision of the Establishment which was challenged before it.

5. For the aforesaid reasons, we do not find any reason to interfere with the impugned decision of the Tribunal in exercise of authority under Article 227 of the Constitution of India.
6. In the result, the writ petition fails and the same is accordingly dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge