

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

W.P. No. 5898 of 2017
and WMP No.6319 of 2017

1. Union of India
rep. By the Chief Personnel Officer
Southern Railway,
Chennai - 600 003.
2. The Divisional Railway Manager,
(Personnel) Southern Railway,
Trichirappalli.
...Petitioners

Vs

1. P. Prabhu
2. The Registrar
Central Administrative Tribunal,
Chennai Bench,
Chennai - 600 104.
...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records of the second respondent pertaining to OA. No. 872 of 2013 and orders passed thereon dated 02.06.2016 and quash the same.

For Petitioner : Mr. S.M. Deenadayalan
For Respondent 1 : Mr. K. Shanmugakani

O R D E R

K.K.SASIDHARAN, J.

The application submitted by the mother of the first respondent for compassionate appointment was rejected by the

Railways on the ground that bogus birth and educational certificates were produced by her.

2. The order was challenged before the Central Administrative Tribunal. The Tribunal having found that the other two children have not produced any kind of forged certificates before the employer, allowed the Original Application with an observation that the order would not dis-entitle other family members from making application for compassionate appointment. The said order is under challenge at the instance of the Southern Railways.

3. We have heard the learned counsel for the petitioners. We have also heard the learned counsel for the first respondent.

4. It is not in dispute that Pavaadai, father of the first respondent died during the currency of his employment with Southern Railway. The widow of the deceased employee submitted an application for compassionate appointment to her son, the first respondent. The application was rejected by the Southern Railway with an observation that she produced forged birth as well as educational certificates of her son and as such, she is not entitled for compassionate appointment. The Railways passed an order stating that none of the family members are entitled to compassionate appointment, on account of production of forged certificates by the widow of the deceased employee.

5. There is no question of passing an order dis-entitling the other legal heirs from making application for compassionate appointment on the ground that mother committed an act of falsification of certificates. The order would apply only to the mother and son, whose certificates were forged. This would not dis-entitle other family members for making application for compassionate appointment. This is the sum and substance of the order passed by the Tribunal. We do not find any error or illegality in the said order passed by the Tribunal calling for our interference.

In the upshot, we dismiss the writ petition. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

gms/ak

Sub Assistant Registrar

To

The Registrar
Central Administrative Tribunal,
Chennai Bench,
Chennai - 600 104.

+1cc to Mr. Shanmuga kani, Advocate, S.R.No.24822

+1cc to Mr. Deenadayalan, Advocate, S.R.No.24411

W.P. No. 5898 of 2017

SKV(CO)
RS(08/05/2017)



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