

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2017

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR. JUSTICE V. PARTHIBAN

Writ Petition No.37746 of 2015

S.Valliammal

...Petitioner

Versus

- 1 The Registrar
Central Administrative Tribunal
City Civil Court Buildings
High Court Campus
Chennai-104.
- 2 Union of India
represented by the General Manager
Southern Railway
Park Town, Chennai-03.
- 3 The Chief Personnel Officer
Southern Railway
Park Town, Chennai-03.
- 4 The Workshop Personnel Officer
Southern Railway
Golden Rock, Ponmalai,
Trichy-4.

...Respondents

Writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in O.A.No.1467 of 2013 dated 04.08.2015 and set aside the same as arbitrary, unjustifiable and illegal and consequently, direct the respondents 2 to 4 to provide employment to the petitioners daughter, S.Sujatha on compassionate ground upon the death of the petitioner's husband S.Sadasivam.

For Petitioner : Mr.Stanley Chellappa
For Respondents 2 to 4 : Mr.P.T.Ramkumar
Standing Counsel

ORDER

(Order of the Court was delivered by V.PARTHIBAN,J.)

The Writ Petition is filed against the order passed by the Central Administrative Tribunal, Madras Bench in O.A.No.1467 of 2013 dated 04.08.2015 dismissing the Original Application filed by the petitioner herein.

2. The petitioner approached the learned Tribunal seeking the following reliefs:-

"To call for the records related to impugned orders No.GPB (CS) Comp.1981 dated 14.07.2012 passed by the 3rd respondent and to quash the same and further to direct the respondents to do the necessary to consider the daughter of the applicant for compassionate ground appointment in terms of the mandatory provisions."

3. Before the learned Tribunal, on behalf of the petitioner, it was contended that her husband, while working as Junior Engineer, Southern Railway died in harness on 15.11.2005 leaving behind their daughter, son and of course, the petitioner herein. On the death of her husband, some representations were stated to have been made to the Railways in 2007 and 2009 and finally on 05.05.2012 and the final representation was rejected by the impugned order dated 14.05.2012 by the third respondent, on the ground that the daughter was already married and the only son was already employed and no other dependents in the family and therefore, the request could not be accorded to.

4. According to the learned counsel appearing for the petitioner, the respondents mechanically rejected the application for compassionate appointment, without following the provisions laid down by the Railway Board under Rule 123 of Indian Railway Establishment Code (Vol. I), according to which, even a married daughter was entitled for being considered for compassionate ground (Master Circular No.16).

5. Per contra, it was contended on behalf of the respondent Railways that there would not be any justification for considering the married daughter for compassionate appointment, since there were no other family members dependent and the rejection was merely on the ground that there was no dependent to take care of by the petitioner. It was also contended that the petitioner herself was getting Family Pension of Rs.7,245/- per month and her only son was working as Executive in a Central Government Public Sector Undertaking and the daughter had already been married during the lifetime of the

deceased Government servant. These facts were also not disputed.

6. After taking note of the rival submissions, the learned Tribunal dismissed the Original Application accepting the contentions put forth on behalf of the respondent Railways. The contention that the married daughter can also be considered for compassionate appointment was clearly discountenanced by the learned Tribunal stating that the rejection order by the administration was not merely on account of the fact that the daughter was married, but was on account of the fact that there were no dependent members to be looked after and the petitioner herself was on receipt of sizable Family Pension. In view of the factual situation, the married daughter was ineligible to consider for compassionate appointment. In such view of the matter, the learned Tribunal refused to interfere with the rejection order passed by the official respondents and dismissed the Original Application as devoid of merits.

7. The learned counsel, Mr. Stanley Chellappa, appearing for the petitioner strenuously contended that the rejection by the administration was contrary to the statutory provisions stated supra and therefore, the same required to be reconsidered, in the light of Master Circular provided for consideration of appointment of married daughter. The said contention is misconceived and misplaced for the mere fact, as stated above, the rejection was not on account of the daughter being married, but on account of the fact that there were no dependents in the family to be looked after and the family was also not in indigent circumstance as the petitioner herself being granted a sizable monthly Family Pension. Therefore, the learned Tribunal has correctly dismissed the application and uphold the order of rejection. We do not find any infirmity in the order passed by the learned Tribunal and therefore, the present Writ Petition fails and dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mra

To

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Southern Railway
Golden Rock, Ponmalai,
Trichy-4.

+1cc to Mr.Ramkumar, Advocate, S.R.No.4585

+1cc to Mr.Munusamy, Advocate, S.R.No.4750

NM(CO)

RS (15/02/2017)

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