

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED 14.06.2017

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WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**  
**AND**  
**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.P. (MD) Nos.19990 and 19991 of 2016**

R.Kani @ Ganapathi Kani

... Petitioner

Vs

1. The General Manager,  
Southern Railways, Chennai.
2. The Divisional Railway Manager,  
Southern Railways, Madurai.
3. The Divisional Personnel Officer,  
Southern Railways, Madurai.
4. Nagarathinam

... Respondents

**PRAYER:** This Petition is filed under Article 226 of the Constitution of India, for direction in the nature of Writ of Certiorari and Mandamus to call for the records pertaining to the order passed by the Central Administrative Tribunal, Madras Bench in O.A.No.1129.2014 dated 10.07.2015 and quash the same as illegal and consequently directing the respondents 1 to 3 to grant an order for disbursement of the entire death cum Terminal benefits including eligible Pensionary benefits payable on account of death of Mr.Late.Raman to the petitioner with interest of 18% p.a. without any further delay.

For Petitioner : Mr.M.Benazir Begum  
For Respondents : Mr.S.Manokar - For R1 to 3  
Mr.V.Perumal - For R4.

**JUDGMENT**[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard, the learned counsel appearing for the the petitioner,  
<https://hcservices.ecourts.gov.in/hcservices/>  
the learned counsel appearing for the respondents.



2. The dispute is regard to the terminal benefits and other benefits which will accrue to the deceased employee of the Southern Railways. In this case it is one Mr. Ramesh, Teacher, who was working in the Railways, died in harness. The petitioner is the daughter born to the first wife/legitimate wife of the deceased employee and the fourth respondent is the second wife. On account of the dispute between the parties, the matter was referred to the Mediation and the parties have reconciled their differences and an agreement has been arrived at as follows:

1. The Respondent No.4-Nagarathinam agrees that she has no objection for grant of Compassionate appointment by Railways to the petitioner and the 4<sup>th</sup> respondent shall not make any claim for compassionate appointment.

2. Both the Petitioner and Respondent No.4 agree for sharing of pending arrears of pension amount due from Railways department till 31.05.2017, arising out of death of Raman who died in service, at the rate of 35% to the petitioner and 65% to the Respondent 4.

3. The Petitioner, agreed to give up her claim on the future pension from the date of 1<sup>st</sup> June 2017 to the 4<sup>th</sup> Respondent and R4 shall avail the full pension amount from that date.

3. The only issue which now remains to be considered is with regard to the claim for compassionate appointment made by the petitioner. The learned Standing counsel appearing for the respondent Railways would submit that the application will be processed in accordance with the Master Circular No.16. But if there is any delay in submitting the application or for submitting the documents that should be a reason for rejecting the petitioner application as there has been dispute between the petitioner and the 4<sup>th</sup> respondent which led to the filing of the writ petition and ultimately culminated in the settlement dated, 08.07.2006. We sincerely hope that the respondents 1 to 3 will consider the case of the writ petitioner positively and offer appointment on compassionate ground, within a period of three months from the date of receipt of a copy of the application in all respects. Arrears of benefits due and payable to the deceased employee shall be disbursed at the rate of 35% to the writ petitioner and 65 % to the 4<sup>th</sup> respondent and such disbursement shall be done within a period of six weeks from the date of receipt of a copy of this order, after giving due credit to the amount already disbursed.

4. Thus, with the above observations, the Writ Petitions are disposed of. No Costs.

Sd/-

Assistant Registrar()



1. The General Manager,  
Southern Railways,  
Chennai.

2. The Divisional Railway Manager,  
Southern Railways,  
Madurai.

3. The Divisional Personnel Officer,  
Southern Railways,  
Madurai.

+2cc to M/S. V.PERUMAL, Advocate, SR.No.60308.

+2cc to M/S. S. MANOHAR, Advocate, SR.No.60408 & 60409.

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dsk/rmk

SDS/SKN:RSK/SAR 1/03.07.2017/3P/8C