

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.11924 of 2018

V.Rajkumar

.. Petitioner

-vs-

1.Union of India,
rep. by The General Manager,
Southern Railway,
Park Town, Chennai-3.

2.The Chief Workshop Manager,
Southern Railway,
Golden Rock,
Park Town, Chennai-3.

3.The Personnel Officer,
Central Workshop,
Ponmalai, Trichy.

4.The Registrar,
The Central Administrative Tribunal,
Madras Bench,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records to the order made in O.A.No.1238 of 2013, dated 10.10.2014 and to quash the same and to consequently direct the respondents 1 to 3 to restore the family pension to the petitioner.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.P.T.Ramkumar
for respondents 1 to 3

ORDER

(Order of the Court made by The Hon'ble Chief Justice)

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 to 3.

2. This petition is directed against the order of the Central Administrative Tribunal, Madras Bench, Chennai dated 10.10.2014 passed in O.A.No.1238 of 2013, which had been preferred by the petitioner.

3. In the O.A., the petitioner was seeking compassionate appointment on the ground that the deceased Railway servant Mr.R.Ganesan was his adopted father. It was also submitted by the petitioner that he was one of the near relatives of the Railway servant Mr.R.Ganesan, who died in harness on 27.8.2007 while working in the Workshop of Southern Railway. According to the petitioner, his mother Smt.G.Umarani i.e., widow of the deceased Railway servant Mr.R.Ganesan, has registered the petitioner as her near relative for appointment on compassionate grounds.

4. Learned counsel for the petitioner has pointed out that the petitioner was the adopted son of the Railway servant Mr.R.Ganesan and hence, he was eligible for compassionate appointment. He submitted that there is a Deed of adoption to prove that the petitioner is the adopted son of the Railway servant Mr.R.Ganesan. However, it is pertinent to note that in the O.A. preferred before the Tribunal, there was no reference to any Deed of adoption, nor was any such Deed of adoption produced before the Tribunal. Similarly, there is no reference of any such Deed of adoption in the present petition. It is pertinent to note that neither the widow of the Railway servant Mr.R.Ganesan, nor the petitioner had submitted any valid proof of the petitioner having been legally adopted by the Railway servant Mr.R.Ganesan. Moreover, at no point of time, the deceased Railway servant Mr.R.Ganesan, nor his widow Smt.G.Umarani intimated the Railway Administration about the adoption. Only a photo copy of the invitation, purported to be for the adoption ceremony in the year 2003 has been submitted along with the copy of Ration card by the petitioner. These documents in our opinion are not enough to prove that the petitioner was adopted by deceased Railway employee. Moreover, as stated earlier, no Deed of adoption has been produced.

5. It is also pertinent to note that the deceased Railway servant Mr.R.Ganesan, had declared his family composition, as per which the widow Smt.G.Umarani is the only family member dependent on him. Smt.G.Umarani had submitted her application dated 24.2.2010 seeking appointment on compassionate grounds in respect of near relative that is the petitioner Mr.V.Rajkumar (Her sister's son), who was studying in 10th standard at that time. Her application was considered and by a letter dated 22.3.2010, she was informed that in terms of Railway Board's Letter No.E (NG) II/88/RC-1/1 policy, dated 13.12.1995, the earlier provisions of appointment of near relative on

compassionate grounds has been deleted.

6. The death of the deceased Railway servant Mr.R.Ganesan took place on 27.8.2007. The application for compassionate appointment was preferred on 11.12.2007. However, it is pertinent to note that even as per the Transfer Certificate issued in the year 2013, the name of the father of the present petitioner was stated as Mr.G.R.Velu, which shows that no valid adoption had taken place till the time of issuance of the Transfer Certificate.

7. On careful consideration of the submissions and on a perusal of the record, it clearly emerges that the petitioner has not produced any valid proof to support his contention that he is the adopted son of the deceased Railway servant Mr.R.Ganesan and Smt.G.Umarani. On the contrary, from the Transfer Certificate issued in the year 2013 and the representations of the widow Smt.G.Umarani submitted on 11.12.2007 and 15.6.2012, it emerges that the petitioner was not the adopted son. As stated earlier, the previous provision of appointment of near relative on compassionate grounds has been deleted.

8. Further, even as per the declaration of the deceased Railway servant Mr.R.Ganesan, only his wife's name was mentioned as sole dependent. As such, the claim of the petitioner that he is the adopted son of the deceased Railway servant Mr.R.Ganesan and Smt.G.Umarani cannot be accepted. The Tribunal has considered all these aspects and thereafter, rejected the O.A. We do not find any error with the order of the Tribunal.

9. The writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The General Manager,
Southern Railway,
Park Town, Chennai-3.

2.The Chief Workshop Manager,
Southern Railway,
Golden Rock, Park Town,
Chennai-3.

3.The Personnel Officer,
Central Workshop,
Ponmalai, Trichy.

4.The Registrar,
The Central Administrative Tribunal,
Madras Bench, Chennai.

+1cc to Mr.L.Chandra Kumar, Advocate, S.R.No. 57545
+1cc to Mr.P.T.Ram Kumar, Advocate, S.R.No. 58256

W.P.No.11924 of 2018

GN(03/09/2018)



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