

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.1.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.29301 of 2017

1 P.Jayamani
2 P.Udayakumar Petitioners

Versus

1 Union of India Rep. by
The General Manager
Southern Railway Park Town Chennai-3
2 The Chief Personnel Officer
Southern Railway Park Town Chennai-3
3 The Divisional Personnel Officer
Southern Railway Salem Division
Suramangalam Post Salem.
4 The Registrar
Central Administrative Tribunal
Madras Bench
Chennai 600 104 Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for records relating to 4th respondent/Tribunals order made in O.A.No.310/01295 of 2015 dated 31.03.2017 to quash the same and to consequently direct the respondents 1 to 3 to declare the husband of the first petitioner as medically unfit from the date on which he was found to be suffering from cancer and thus to consider the second petitioner for appointment on compassionate ground.

For petitioner : Ms.N.R.Jasmine Padma
For RR1 to 3 : Mr.P.T.Ramkumar, Standing Counsel

ORDER

(Order of the court was made by HULUVADI G.RAMESH,J.)

Heard the learned counsel appearing for the parties.

2. The writ petition is filed by the wife and son of a deceased employee of the Southern Railway seeking the relief of appointment on compassionate grounds.

3. When the matter was taken up for hearing, the learned Standing Counsel appearing for the Southern Railway has produced a copy of the letter with reference No.PB/CS/30/Court Case/P.Jayamani/ W.P.No.29301/2017 dated 2.1.2018 sent by the Deputy Chief Personnel Officer/R&T on behalf of Principal Chief Personnel Officer to the third respondent which is extracted hereunder:-

"Sub: W.P.No.29301/2017 on the file of Hon'ble High Court of Madras filed by Smt.P.Jeyamani & Shri.Udayakumar, Wife & Son of (late) P.Perumal, Ex.Tech/Gr.I/Brick Layer/SSE/W/PTJ (medically unfitted in all classes w.e.f. 26.5.2011 and expired on 19.9.2012).

Ref: Your letter No.SA/P.353/WP 29301/2017 dated 19.12.2017.

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With reference to your letter cited above, it is advised to deal the above case as per Railway Board's letter No.E(NG) II/2016/RC-1/SR/6 dated 29.3.2016 with the approval of Competent Authority subject to fulfilment of other norms for Compassionate Ground Appointment such as financial condition of the family, number of dependents in the family, assets and liabilities, educational qualification and medical classification of the candidate etc.

Action may be taken accordingly.

This has the approval of CPO/Admn.

Sd/-

(T.D.Dinakar)

Dy. Chief Personnel Officer/R&T

for Principal Chief Personnel Officer."

4. Considering the limited nature of the prayer in the writ petition, we hereby direct the third respondent to comply with the instructions given in the above cited letter in respect of this petitioner within a period of three months from the date of receipt of a copy of this order and forward the necessary orders for confirmation to the second respondent. With this direction, the writ petition stands disposed of by modifying the order passed by the Tribunal to the above extent. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy/

Sub Assistant Registrar

ssk.

To:

- 1 Union of India Rep. by
The General Manager
Southern Railway Park Town Chennai-3
 - 2 The Chief Personnel Officer
Southern Railway Park Town Chennai-3
 - 3 The Divisional Personnel Officer
Southern Railway Salem Division
Suramangalam Post Salem.
 - 4 The Registrar
Central Administrative Tribunal Madras Bench
Chennai 600
- + 1 cc to MR. L. Chandarkumar, Advocate Sr.360
+ 1 cc to Mr. P.T. Ramkumar, Advocate Sr.498

W.P.No.29301 of 2017

KGK(CO)
EU(07/02/2018)



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