

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.07.2019

CORAM

The Honourable Mr.JUSTICE K.K.SASIDHARAN

and

The Honourable Ms.JUSTICE P.T.ASHA

W.P.No.8402 of 2019

V. Leelavathy

..Petitioner

Vs.

1. Central Administrative Tribunal
Madras bench
Represented by its Registrar
Madras High Court Campus
Chennai- 600 104.

2. Union of India
Represented by its General Manager South
Southern Railway
Egmore
Chennai.

3. The Chief Workshop Manager
Office of the Chief Work Shop Manager
Carriage and Wagon Works
Perambur
Chennai 600 023

4. The Work Shop Personnel Officer
Carriage Wagon Works/Perambur
Southern Railway
Perambur
Chennai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of appropriate writs, orders or directions and more particularly issue a writ in the nature of certiorarified mandamus, after calling for the concerned records from the first respondent, quash the order of the first respondent Tribunal passed in O.A.No.1666 of 2018

dated 19.12.2018 as erroneous, arbitrary and contrary to law and consequently direct the official respondents to consider and grant appointment to the petitioner on compassionate grounds with all consequential benefits to the petitioner.

For Petitioner : Mr. Balan Haridas

For Respondents : Tribunal- R1
Mr. P.T. Ramkumar for R2 to R4.

O R D E R

(Order of the Court was delivered by P.T.ASHA, J)

The unsuccessful applicant before the Central Administrative Tribunal (Chennai Bench) is the writ petitioner before this Court.

2. The facts in brief which are necessary for disposing of the above Writ Petition are as follows:

The petitioner's father one Veeraragavan who was employed as Senior Technician Grade I with the third respondent died just 12 days prior to the date of retirement i.e; on 18.06.2013. He was survived by his wife Vasantha, daughters Leelavathy (petitioner) and Sandhya. Three months after the death of the said Veeraragavan, his wife had submitted an application dated 13.09.2013 seeking compassionate appointment for her daughter, the petitioner. According to the wife of the deceased, the petitioner's family consisting of herself, her husband and three children were dependent on the deceased Veeraraghavan, since the petitioner's husband was earning only a monthly salary of Rs.8000/-. Therefore the request was made for compassionate appointment for the petitioner.

3. The request for compassionate appointment was recommended by the the third respondent. However, the General Manager of the third respondent turned down the request and this was communicated to the petitioner's mother vide his letter dated 16.04.2016. The said letter would read as follows:

" With reference above, it is advised that the General Manager has regretted your request for appointment to your married daughter Smt. V. Leelavathy on compassionate grounds"

4. This order was challenged by the writ petitioner before the Central Administrative Tribunal (Chennai Bench) in O.S.No.381 of 2018. By order dated 27.04.2018, the Tribunal had disposed of the O.A. with a direction to the respondents to pass a reasoned order.

5. Thereafter, by a communication dated 10.08.2018 received from the third respondent, the petitioner was informed that her representation had been rejected since there exists no indigent circumstances warranting a compassionate appointment.

6. This order was challenged by the petitioner before the Central Administrative Tribunal (Chennai Branch) in OA.No.1666 of 2018. By order dated 19.12.2018, the Tribunal was pleased to dismiss the said OA by holding that prima facie the family was not in distress and therefore there was no necessity to give compassionate appointment to the petitioner.

7. Challenging the said order, the petitioner is before this Court.

8. Mr. Balan Haridas, learned counsel appearing on behalf of the petitioner would contend that the terminal benefits of the father had been expended for meeting various debts that the father had incurred and that apart the petitioner's husband was earning a very meager salary which was insufficient to meet both ends. Therefore he would contend that the family was living in indigent circumstances.

9. He would further argue that originally the third respondent had recommended the petitioner's case for promotion after taking note of the financial circumstances of the family and therefore in the light of the above, the rejection of her request was without any basis.

10. Mr. P.T. Ramkumar, learned counsel appearing on behalf of the respondents 2 to 4 would contend that the petitioner's mother had received a terminal benefits to the tune of Rs.13,64,801/- and she is also receiving a monthly pension of Rs.21,400/-. That apart the petitioner's husband is also gainfully employed and therefore the petitioner cannot be said to be in indigenous circumstances warranting her application for compassionate appointment being considered.

11. The very object of giving compassionate appointment to one of the members of the family of an employee who had died in harness is to tide over the immediate indigent circumstances that the family would be thrown into on account of the death of the bread winner. Thereafter compassionate appointment is not a matter of right but a concession; without following a selection process.

12. The petitioner is under the care and custody of her husband, who is stated to be an employee. The widow is given pension.

13. Considering the fact that the petitioner's family had been paid the terminal benefits, the petitioner's mother is receiving a monthly pension of a sum of Rs.21,400/- and that the petitioner's husband is gainfully employed, we do not find any infirmity in the order passed by the Tribunal rejecting the request for compassionate appointment. In view of the above, the Writ Petition is dismissed. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

mrn

To

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Chennai.

+1 CC to M/s. Balan Haridas, Advocate sr 62759.
+1 CC to Mr.P.T. Ramkumar, Advocate sr 62940.

W.P.No.8402 of 2019

AD(CO)
SP(04/09/2019)