

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.08.2019

CORAM

The Honourable Mr.JUSTICE K.K.SASIDHARAN

and

The Honourable Ms.JUSTICE P.T.ASHA

W.P.No.23904 of 2019

Smt. Kanthirekha

Petitioner

Vs.

1. Union of India
Represented by the Divisional
Railway Manager, Southern Railway, Chennai Division
Park Town,
Chennai- 600 003.

2. The Additional Divisional Railway Manager II,
Southern Railway,
Chennai Division,
Park Town,
Chennai - 600 003.

3. The Senior Divisional Personnel Officer,
Southern Railway,
Chennai Division,
Park Town, Chennai- 600 003.

4. The Divisional Personnel Officer,
Southern Railway, Chennai Division,
Park Town, Chennai- 600 003.

5. The Senior Section Engineer/Works,
Sullurpeta, Southern Railway,
Chennai Division,
Park Town, Chennai- 600 003.

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

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, or any other appropriate writ or order or a direction in the nature of a writ, calling for the records relating to the order of the 6th respondent made in O.A.No.1514 of 2017 dated 04.09.2018 to quash the same and to consequently direct the respondents to appoint the petitioner in any one of eligible post on compassionate grounds and to pass such order.

For petitioner : Mr. L. Chandrakumar

O R D E R

(Order of the Court was delivered by K.K.SASIDHARAN,J)

The challenge in this Writ Petition is to the order dated 04.09.2018 of the Central Administrative Tribunal, Chennai dismissing the Original Application No.1514 of 2017 filed by the petitioner for compassionate appointment.

2. We have heard the learned counsel for the petitioner.

3. The petitioner is the third daughter of Thiru Penchalaiah who died in harness on 05.07.2015. He was an employee of the Southern Railway. The petitioner is one among the three daughters born to the said Thiru R. Penchaliah in his wedlock with Sugunamma. The petitioner is already married.

4. The claim made by the petitioner for compassionate appointment was rejected by order dated 23.05.2017 on the ground that her mother namely, the wife of the deceased is not a dependent on the married daughter for her livelihood. It was the said order which was challenged before the Central Administrative Tribunal.

5. There is no indigenous circumstances to the family in question, in view of the fact that the widow of the deceased is receiving a monthly family pension of Rs.14,000/-. The petitioner and her two sisters are all married and well settled. We are informed that the husband of the petitioner is an employee of the State Government.

6. In a case of compassionate appointment, the Court has to consider as to whether the family was in indigenous circumstances. The concept of compassionate appointment is evolved to support the family to tide over the difficulty caused on account of the death of the bread winner. However, in the subject case, there are no such circumstances for giving compassionate appointment to the married daughter.

7. We are of the view that the Tribunal was justified in

dismissing the Original Application.

8. The Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrn

To

- 1.The Divisional Railway Manager,
Southern Railway, Chennai Division,
Park Town,
Chennai- 600 003.
- 2.The Additional Divisional Railway Manager II,
Southern Railway, Chennai Division,
Park Town,
Chennai - 600 003.
- 3.The Senior Divisional Personnel Officer,
Southern Railway,
Chennai Division,
Park Town, Chennai- 600 003.
- 4.The Divisional Personnel Officer,
Southern Railway, Chennai Division,
Park Town, Chennai- 600 003.
- 5.The Senior Section Engineer/Works,
Sullurpeta, Southern Railway,
Chennai Division,
Park Town, Chennai- 600 003.
- 6.The Registrar,
The Central Administrative Tribunal,
Madras Bench, Chennai.

+1cc to Mr. L. Chandrakumar, Advocate SR.71854
+1cc to Mr.P.T. Ram Kumar, Advocate, SR.71699

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(CO)

CB(09/10/2019)