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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2759 of 2020
and WMP No.3214 of 2020

A.Meera Vani

Petitioner

vs.

1. The Principal Chief Commercial Manager,
EVK Sampath Road, Park Town,
Southern Railways,
Chennai - 600 003.
2. The Senior Divisional Commercial Manager,
2nd Floor, NGO Annexe,
Southern Railway Divisional Officer,
Park Town,
Chennai - 600 003.
3. The Chief Goods Supervisor,
Royapuram Goods,
Southern Railways,
Chennai - 600 013.
4. The Station Master,
Royapuram Railway Station,
Southern Railways Chennai,
Chennai - 600 013.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to issue regular appointment to the petitioner as Halt Ticket Agent at Royapuram Station.

For Petitioner : Mr.R.Gunalan
For Respondents: Mr.P.T.Ramkumar

O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to give regular appointment to the petitioner as a Halt Ticket Agent at Royapuram Railway Station.



2.The case of the petitioner is that she was taking care of the Halt Ticket Counter at Royapuram Railway Station on the request made by the 4th respondent. She continued to do the said work from April 2019 onwards. The petitioner was also paid the commission and the relevant tax was also deducted at source.

3.The grievance of the petitioner is that the respondents are now taking steps to appoint someone else in the place of the petitioner as the Halt Ticket Agent at Royapuram Railway Station. Aggrieved by the same, the present writ petition has been filed before this Court.

4.The learned counsel for the petitioner submitted that the petitioner's husband was a practicing Advocate before this Court for nearly 23 years and all of a sudden, he died leaving behind the petitioner and three children. The learned counsel therefore, submitted that it involves the livelihood of the petitioner and her children. The learned counsel further submitted that the petitioner has been depending upon this income from April 2019 and if she is deprived of the same, she will literally come to the streets and she will have no other source of livelihood to take care of herself and her three children.

5.Per contra, Mr.P.T.Ramkumar, learned counsel appearing on behalf of the respondents submitted that it is true that the petitioner was engaged in the Halt Ticket counter at Royapuram Railway Station in the place of one Mohamed Samsudeen, who was the original Agent and who wanted to leave before his period ended. Therefore, as a stop gap arrangement, the petitioner was engaged in the Halt Tick Counter. The learned counsel further submitted that the Southern Railway had issued an advertisement for appointment of Halt Ticket agent and the petitioner also participated in the said selection. The Selection Committee ultimately finalized the list and found the petitioner and one Kavali Sukumar to be qualified for appointment as a Halt Ticket Agent. As per the rules, only one among the two can be chosen as a Halt Ticket Agent and this can be done only by Draw of Lots. The learned counsel further submitted that the Draw of Lots was conducted on 17.01.2020 and it went in favour of Kavali Sukumar. The learned counsel submitted that in view of the above facts, it may not be possible to continue with the engagement of the petitioner as a Halt Ticket Agent.

6.This Court has carefully considered the submissions made on either side and also the materials available on record.



7. The present writ petition has been filed by the petitioner more out of a desperation to ensure her livelihood and that of her three children. The petitioner has been engaged as a Halt Ticket Agent for a temporary period from April 2019. Ultimately, the selection process in which the petitioner also participated, ended in favour of one Kavali Sukumar and he has been appointed as Halt Ticket Agent at Royapuram Railway Station. In view of this development, this Court is not in a position to issue any positive directions to the respondents to continue to engage the petitioner as a Halt Ticket Agent in the said railway station.

8. However, considering the facts and circumstances of the case and also considering the fact that due to the untimely death of the husband of the petitioner leaving behind the petitioner and three children, the petitioner is directed to make a representation to the 2nd respondent. The 2nd respondent shall consider the same and shall accommodate the petitioner as and when a similar opportunity arises in any of the railway station and the respondents are expected to take a humanitarian approach while dealing with the application given by the petitioner.

9. This writ petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No Costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Principal Chief Commercial Manager,
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+1 CC to Mr.R.Gunalan, Advocate sr 9802.
+1 CC to Mr.P.T.Ramkumar, Advocate sr 10185

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TM(CO)
SP(11/02/2020)