

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

AND

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

W.P. No. 8119 of 2020

&

W.M.P. No. 9641 of 2020

M. Sandhya

..Petitioner

Vs.

1. The General Manager,
Southern Railway,
Head Quarters Office,
Park Town,
Chennai 600 003,

2. The Principal Chief Personnel Officer,
Headquarters Office,
Personnel Branch,
Southern Railway,
Chennai 600 003.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for concerned records relating to the order in O.A. No. 980 of 2019 dated 03.01.2020 passed by the 3rd respondent and quash the same and consequently direct the respondents to grant an appointment in

Railway Department on compassionate grounds based on her educational qualification.

For Petitioner :: Mr.M. Gnanasekar

For Respondents :: Mr.P.T. Ramkumar

ORDER

(Order of the Court was made by N. KIRUBAKARAN,J.)

The matter is heard through videoconferencing.

2. The petitioner has challenged the dismissal order dated 03.01.2020 passed in O.A. No. 980 of 2019 by the Central Administrative Tribunal by which the claim for compassionate appointment made by the petitioner was rejected.

3. The petitioner's father, one Mr. G. Mohan was working as Technician Grade I/ Fitter in the Railways and he died in harness on 10.10.2015. He left behind the petitioner and her mother. Her mother applied for compassionate appointment on 29.12.2015 and 20.01.2016 for her daughter. The same was rejected by order dated 16.08.2016. Subsequently, another representation for the very same relief was given on 24.01.2019, which was also negatived on 12.03.2019. Thereafter, again, another application dated 10.05.2019 was made. The said application was rejected by order dated 03.06.2019 on the ground that the petitioner did not prove the indigent

condition of the family and also the presence of dependency factor. The said order dated 03.06.2019 was challenged before the Tribunal by filing O.A. No. 980 of 2019. The Tribunal dismissed the said O.A.. Therefore, the petitioner is before this Court.

4. Heard Mr. M.Gnansekar, learned counsel for the petitioner and Mr. P.T. Ramkumar, learned counsel for the respondents.

5. There is no dispute with regard to death of petitioner's father in harness on 10.10.2015. It is also an admitted fact that the petitioner and her mother are the only legal heirs. It is evident from the counter affidavit that the petitioner was married as early as in the 2003, about 12 years prior to her father's death. It is represented by the respondents that the petitioner is living with her husband, who owns a mini bus. Though Mr.M. Gnanasekar, learned counsel for the petitioner would deny that there is no mini bus owned by the petitioner's husband and she is in indigent circumstance, what has to be seen is the dependency of the petitioner on the deceased employee. The petitioner got married about 12 years before the death of her father and she has been living with her husband.

6. The very scheme of compassionate appointment is only to help the family members of the deceased employee to tide over the financial crisis caused due

to the untimely demise of the employee. However, in this case, there is no dependency factor as rightly pointed out by the learned counsel for the respondents. The wife of the deceased has received service benefits to the tune of Rs.10,69,245/- and she is getting enhanced pension of Rs.7145/-. When that is the position, the petitioner, who got married about 12 years prior to the death of the employee cannot claim, as a matter of right, appointment on compassionate grounds. Therefore, we see no reason to interfere with the order passed by the Central Administrative Tribunal. The writ petition stands dismissed. No costs. Connected W.M.P. is closed.

(N.K.K.J.) (T.V.T.S.J.)

nv

21.04.2021

To

1. The General Manager,
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AND

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