

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.9097 of 2021

B.S.Reeta
D/o.Late Sriramulu,
No.363, Dr.Ambedkar Nagar,
II Cross Street,
Chennai 600 012.

.... Petitioner

Vs

1.The Registrar,
Central Administrative Tribunal,
High Court Buildings,
Chennai 600 104.

2.Union of India,
Rep. by Secretary,
Ministry of Railway Department,
New Delhi.

3.The Divisional Railway Manager Office,
Personnel Branch,
Chennai Division, Southern Railway,
Chennai 600 003.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the entire records of the order dated 03.01.2020 passed in O.A.No.OA/310/00716/2019 on the file of the first respondent, quashing the same and directing the second respondent to provide appointment to the petitioner on compassionate ground in the third respondent office.

For Petitioner : Mr.P.Chandrasekaran

ORDER

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

This Writ Petition has been filed challenging the order passed by the Central Administrative Tribunal in O.A.No.OA/310/00716/2019 dated 03.01.2020, rejecting the petitioner's application for appointment on compassionate ground on the death of her father Mr.B.Sriramulu, who worked as Senior Technician under the 3rd respondent and died in harness on 05.09.2002.

2.The case of the petitioner is that she is the daughter of Mr.B.Sriramulu born through his 2nd wife viz., Mrs.Thiruppammal. The 1st wife viz., Mrs.Sathyavedhamma died on 25.02.2008 and her son, Mr.Anthony Babu died on 31.07.2011 and the 2nd son Mr.Ravi died on 06.06.2012. Therefore, the petitioner made an application, seeking appointment on compassionate ground to the 3rd respondent. The Mother of the Petitioner also gave no objection dated 22.03.2013. However, the 3rd respondent rejected the Petitioner's claim by order dated 02.01.2014 stating that the Petitioner had not submitted death certificate of Mrs.B.Sathyavedhamma. Challenging the same, the Petitioner had preferred an appeal before Central Administrative Tribunal. The Tribunal rejected the said Appeal stating that there was enormous delay in filing the application on the ground of compassionate appointment. It is categorically stated in the order that the employee died as early as on 05.09.2002, if the petitioner was able to sustain herself and family members, it would denote that there is no financial crisis.

3.Moreover there was a settlement between the 1st wife and the 2nd wife in the year 2004 based on which the son of the 1st wife viz., Mr.Anthony Babu would be entitled for appointment on compassionate ground and the benefits were equally shared. The said fact is stated in paragraph 6 of the order passed in OA/310/00374/2017 on 01.10.2018 by the Tribunal. Though it is stated by the petitioner that Mr.Anthony Babu had also died, there is no death certificate of Mr.Anthony Babu.

4.In any event, compassionate appointment cannot be granted after a lapse of 17 years. It is only to help the family to get over the immediate crisis due to the untimely death of the employee. It is a deviation from normal appointment procedure, only to meet out the financial crisis. Therefore, it cannot be routinely granted. The Tribunal rightly rejected the application of the petitioner on the ground of delay and there is no proof filed by the petitioner to prove that she is in penury. Moreover, she is also married and living with her husband and no documents have been filed indicating her status as well as the financial status of her husband.

5.In these circumstances, this Court finds no infirmity in the order passed by the Tribunal and accordingly, this Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

ub/sai

To

1.The Registrar,
Central Administrative Tribunal,
High Court Buildings,
Chennai 600 104.

2.The Secretary
Ministry of Railway Department,
Union of India,
New Delhi.

3.The Divisional Railway Manager Office,
Personnel Branch,
Chennai Division, Southern Railway,
Chennai 600 003.

+lcc to Mr.P.Chandrasekaran, Advocate SR.22668

W.P.No.9097 of 2021

UM(CO)
CB(08/07/2021)

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