



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.113/2024
(Madhavi V Union of India and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.D. Dhande, Advocate for Petitioner.
Mr. Deshpande, i/c G.P. for resp. nos.1 to 3.

CORAM : Nitin W. Sambre & Abhay J. Mantri, JJ
DATE : 09-01-2024.

The challenge is to the conditions in Circular dated 30-12-2019 issued by the Joint Director, Railway Board to the extent of incorporating a condition that the child born from the second marriage can be considered for compassionate appointment only after ascertaining that there is no objection from the first wife or her children.

2. In view of the law laid down by the Hon'ble Apex Court in **Chandra Kumar vs Union of India and others** reported in **AIR 1997 SC 1125**, we are of the view that the petitioner can very much agitate the said claim before the Tribunal.

3. It is the contention of learned Counsel for the petitioner that the issue is already covered by the judgment of the Hon'ble Apex Court in the matter of **Union of India and another vs V.R. Tripathi**, reported in **(2019) 14 SCC 646**.

4. In view of the matter, we deem it appropriate to dispose of the present petition. We grant liberty to the

petitioner to amend his Original Application No.558/2023, thereby incorporating the challenge in terms of the prayer clause in the present petition.

5. Learned Counsel for the petitioner assures that such amendment shall be carried out within a period of two weeks from today. We direct the Registry of Central Administrative Tribunal (CAT) to facilitate such amendment to be carried out by the petitioner.

6. Once such amendment is carried out, the matter be placed before the Division Bench of the CAT for consideration of the claim of the petitioner on merits.

7. We request the CAT, to decide the claim of the petitioner, as expeditiously as possible.

8. Petition stands disposed of in above terms. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)