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W.P.No.4529 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **M.S. RAMESH**
AND
THE HONOURABLE MR. JUSTICE **V.LAKSHMINARAYANAN**

Writ Petition No.4529 of 2019 &
WMP.Nos.5111, 5114, 5116 & 5118 of 2019

Rukmani

... Petitioner

Vs.

1.Southern Railway Rep. by its,
Assistant Personnel Officer/MAS,
O/o. Divisional Railway Manager, Personnel Branch,
Chennai Division, Chennai – 3.

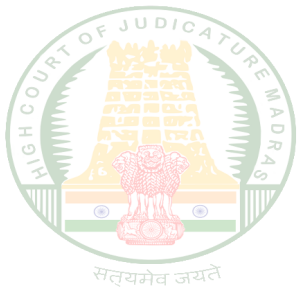
2.Sarojammal

3.The Central Administrative Tribunal rep.
By its Registrar,
High Court Buildings, Chennai – 104.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent made in No.M/P(W)/353/IV/T.Man/Court case dated 30.01.2019 and 3rd respondent made in O.A.No.153 of 2019 dated 11.02.2019 and quash both and consequently direct the 1st respondent to reinstate the petitioner in service as Gang Women (SSE/PWAY/PON) in the Southern Railways with continuity of service by allowing this writ petition.

For Petitioner : Ms.Selvi George



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For Respondent 1 : Mr.P.T.Ramkumar, Standing Counsel

For Respondent 2 : Mr.G.Saravanan

R3 – Tribunal

ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

The petitioner seeks for the following reliefs:

“to call for the records on the file of the 1st respondent made in No.M/P(W)/353/IV/T.Man/Court case dated 30.01.2019 and 3rd respondent made in O.A.No.153 of 2019 dated 11.02.2019 and quash both and consequently direct the 1st respondent to reinstate the petitioner in service as Gang Women (SSE/PWAY/PON) in the Southern Railways with continuity of service by allowing this writ petition.”

2. The petitioner claimed that she is the wife of one Shanmugavadivelu, a deceased employee of the first respondent. She claimed that she married the said Shanmugavadivelu post death of her first husband, Thomas. She claimed that she and Shanmugavadivelu lived as man and wife and the said fact had been entered in the service register of the deceased employee. She added that Shamugavadivelu had nominated her in the service records and she was possessed of several documents from the Railways itself to



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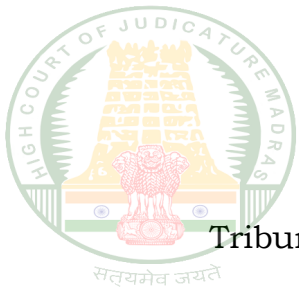
substantiate her plea that she is the deceased's wife. She claimed that the second respondent, who is the mother of the deceased Shamugavadivelu, raised a dispute regarding her marriage with her son.

3. On the basis of the the objections lodged by the second respondent, the petitioner was served with a show cause notice on 10.01.2019. In the said notice, the Railways called upon the petitioner to show cause as to why her appointment, given on compassionate grounds, should not be cancelled. The petitioner pleaded that she issued an explanation for the same. Yet, it was not considered and her services were terminated by an order dated 30.01.2019. Challenging the same, she approached the Central Administrative Tribunal (hereinafter referred to as "Tribunal").

4. The Tribunal took the application on file in OA.No.153 of 2019. After hearing the petitioner, the original application came to be dismissed. Challenging the same, the present writ petition.

5. We heard Ms.Selvi George for the petitioner and Mr.P.T.Ramkumar for the first respondent.

6. Ms.Selvi George urged that the first respondent and the



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Tribunal had erred in not coming to the petitioner's rescue, despite the fact that she had legally married Shanmugavadivelu. The counsel strenuously urged that several documents like Ration Card, Aadhar Card and Voter's Identity Card would speak about the petitioner being the legally wedded wife of the deceased, Shanmugavadivelu. She points out that she had been appointed on compassionate basis only after the thorough verification of the documents and the first respondent erred in removing her from service, without conducting any proper enquiry. Hence, she pleads that the writ petition be allowed and the orders of the Tribunal and that of the first respondent be quashed.

7. Per contra, the learned Standing Counsel for the Railways submitted that the Railways were merely implemented the orders of the Civil Court and the orders of this Court in CRP.No.4792 and 4836 of 2015 dated 22.03.2018 and therefore, the impugned orders cannot be found fault with. He prays for dismissal of the writ petition.

8. We have carefully considered the submissions and gone through the records in detail.

9. The plea of Ms.Selvi George that she is a legally wedded wife of the deceased, Shamugavadivelu and therefore, the impugned order



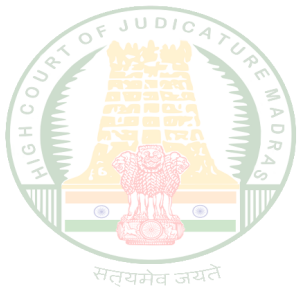
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is liable to be set aside cannot be countenanced. This is because Shanmugavadivelu's mother, Sarojammal, namely, the second respondent herein, had presented a suit in OS.No.1717 of 2014. The plea of the second respondent in that suit was that Shanmugavadivelu had died intestate, leaving behind herself as the only legal heir. She also pleaded that the writ petitioner, who was arrayed as the third defendant in that suit, is neither legally wedded wife of Shanmugavadivelu nor in any manner related to the deceased.

10. The second respondent had pointed out in that suit that she had filed a suit earlier in O.S.No.1901 of 2011 praying for permanent injunction restraining the Railways from disbursing the death cum retirement benefits of the deceased, Shanmugavadivelu in favour of the writ petitioner and that, the said suit had been decreed as prayed for on 10.01.2013. It was subsequently, she came to know that the writ petitioner had been provided with an employment on compassionate basis, which was prior to the decree passed earlier. Therefore, she sought for the following reliefs:

“The plaintiff therefore prays for a decree and judgment against the defendants

a. directing the defendants to pay Rs.3,83,980/- together with interest at 24% per annum being the death cum retirement benefits payable on the death of late Shanmuga Vadivelu employed as a Packer at



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Railway Printing Press with P.F.No.04915320, B.U.No.706 in favour of the plaintiff.

b. directing the defendants to pay Rs.2,07,360/- together with interest at 24% per annum being the pensionary benefits from 19.01.2009 to December 2013 payable on the death of late Shanmuga Vadivelu employed as a Packer of Railway Printing Press with P.F.No.04915320, B.U.No.706 in favour of the plaintiff.

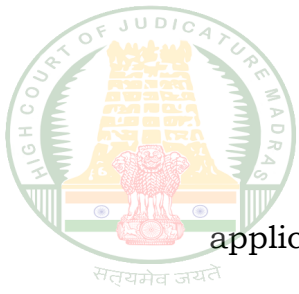
c. directing the defendants 1 & 2 to pay the monthly pension from the date of the Plaint.

d. for a declaration that the appointment made by the defendants 1 & 2 in favour of the third respondent in Southern Railway is illegal and invalid.

e. consequently, direct the defendants 1 & 2 by way of mandatory injunction to cancel the appointment made by the defendants 1 & 2 in favour of the third defendant in Southern Railway.”

11. It is not in dispute that summons in this suit were served on the Railways as well as the writ petitioner. Despite the same, neither party entered appearance and thereby, they were set *exparte*. The learned VI Assistant Judge, City Civil Court, who tried the suit, recorded the evidence of the second respondent and decreed the suit as prayed for on 16.07.2024. In order to execute this decree, the second respondent had also presented EP.No.155 of 2014, before the City Civil Court.

12. It is also on record that the Railways moved two



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applications, namely, to condone the delay and set aside the exparte decree in I.A.No.5125 of 2015 and I.A.No.5127 of 2015 before the learned VI Assistant City Civil Judge. The learned Judge dismissed those applications on 13.08.2015.

13. Challenging the same, Railways had approached this court in CRP.(NPD).No.4792 of 2015 and CRP.(NPD).No.4836 of 2015. This court, by an order dated 22.03.2018, dismissed the revisions. It was also left open to the Railways to take appropriate action against the writ petitioner including the cancellation of her appointment. It is also on record that the petitioner had moved similar applications to condone the delay and set aside the exparte decree, which were also dismissed. Her attempt to set aside the order of this Court dated 22.03.2018 also ended in failure. In otherwords, the decrees of the civil court in OS.No.1901 of 2011 and OS.No.1717 of 2014 have attained finality.

14. Pursuant to the decrees passed by the Civil Court and the orders of this Court in the revisions, the Railway Authorities had issued a show cause notice referring to the civil proceedings on 10.01.2019. The writ petitioner had accepted about the results of the civil proceedings and had pleaded that no further action should be taken, till her applications to condone the delay and set aside the



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decree are decided.

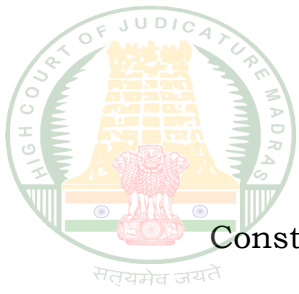
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15. Taking note of the aforesaid civil proceedings, the Tribunal came to a conclusion that the order passed by the first respondent merely implements the order of the Civil Court and dismissed the original application.

16. When there has been a declaratory decree, it settles the status of the writ petitioner as well as the second respondent. Once the decree of the civil court has granted a declaration as stated above, it becomes the duty of the Railways to implement the same in its letter and spirit. An *ex parte* decree is as much a valid as a contested one.

17. In terms of Article 261 of the Constitution of India, it is the duty of the State, including Indian Railways, to give full faith and credit to the orders and decrees passed by the civil court. Once the civil court had declared the status, the first respondent has no other option other than to implement it. The order impugned before the Tribunal is merely one implementing the decree of the civil court, and no exception can be taken to the same.

18. The plea of Ms.Selvi George that the distressing circumstances of the writ petitioner can be taken into consideration by us cannot be entertained. However much sympathy one might have for the writ petitioner, this court, sitting under Article 226 of the



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Constitution of India, cannot set aside the decrees of the civil court.

No one can be blamed for the situation, in which the writ petitioner has been placed, other than herself. The civil court had issued summons in both suits and the writ petitioner chose not to participate in the same. She, being a party to the suit, is bound by the decrees passed therein.

19. That being the situation, we are not in a position to come to the rescue of the writ petitioner. In any event, this court, in exercise of its Article 226 of the Constitution of India, merely exercises the visitorial or supervisory jurisdiction over the Tribunal. We only have to see whether the Tribunal has applied the correct law to the facts before it. It has been so done.

20. In fine, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

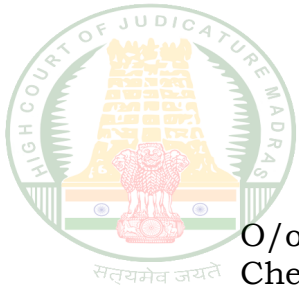
(M.S.R, J.) (V.L.N, J.)
18.08.2025

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Index : Yes
Speaking Order
Neutral Citation : Yes

To

1.The Assistant Personnel Officer/MAS,
Southern Railways,

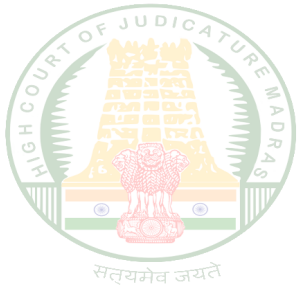


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O/o. Divisional Railway Manager, Personnel Branch,
Chennai Division, Chennai – 3.

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2.The Registrar,
Central Administrative Tribunal rep.
High Court Buildings, Chennai – 104.



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**M.S. RAMESH, J.
and
V.LAKSHMINARAYANAN, J.**

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