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W.P.No.24543 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.24543 of 2024 and

W.M.P.No.26848 of 2024

1. Union of India,
Rep. by its General Manager,
Southern Railway, Park Town,
Chennai.

2. The Divisional Personnel Officer,
Southern Railway,
Salem Division, Salem.

... Petitioners

-VS-

1. C.Gopi

2. The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records related to the impugned order in O.A.No.84 of 2023 dated 27.02.2024 passed by the learned Central Administrative Tribunal, Chennai Bench the 2nd respondent herein and quash the same.

For Petitioners : Mr.C.Samivel



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For R1 : Mr.R.Ramaguru

ORDER

(By J.Nisha Banu,J.)

This Writ Petition has been filed, challenging the order dated 27.02.2024 passed by the 2nd respondent in O.A.No.84 of 2023, by which the request for compassionate appointment was directed to be considered by the petitioners herein.

2. It is the case of the applicant / 1st respondent herein that his father, a Railway Employee died in harness while in service in 2010 and the request made by the 1st respondent's mother for grant of compassionate appointment to the 1st respondent was declined, stating that the Railway Board's Circular No.218 of 2019 dated 30.12.2019 cannot be made applicable retrospectively. Aggrieved by the same, the 1st respondent approached the Central Administrative Tribunal, Chennai Bench (CAT) and the Tribunal, by its order dated 27.02.2024 allowed the application, taking into account of the judgment of the Apex Court dated 24.02.2022 (Mukesh Kumar vs. Union of India) and also holding that the issue is covered by the



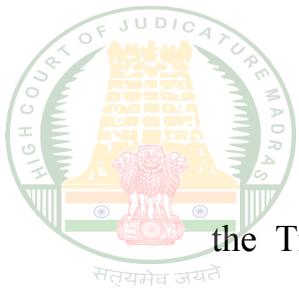
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earlier decision of the Tribunal dated 02.01.2024 made in O.A.No.1132 of 2015. It is further case of the 1st respondent that as per the judgment of the learned Principal District Munsif Court, Tiruchengode made in O.S.No.211 of 2010 dated 14.03.2017, the 1st respondent was declared as one of the legal heirs of the deceased employee.

3. The main contention of the learned counsel for the petitioners is that the Railway Circular dated 30.12.2019 permits the grant of compassionate appointment to the children born to the second wife, even where the second marriage has not been approved by the Administration, provided there is no objection from the first wife or her children. The Tribunal failed to take note of the fact that the said Circular dated 30.12.2019 is only prospective and cannot be given effect to retrospectively. The 1st respondent's father passed away on 19.06.2010, prior to the issuance of the Circular dated 30.12.2019 and therefore, his request cannot be acceded to. Thus, he is not eligible to be considered for compassionate appointment.

4. Learned counsel for the 1st respondent would contend that



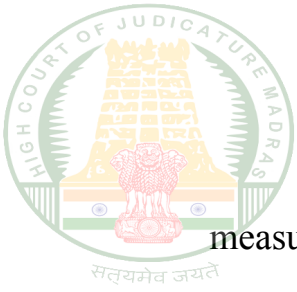
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the Tribunal has rightly appreciated the legal position and the Circular, being beneficial in nature and the 1st respondent, who was declared a legal heir by the competent Civil Court, cannot be deprived equity and justice.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. This Writ Petition, at the instance of the petitioners / Union of India, has been filed, challenging the order of the CAT dated 27.02.2024, whereby the Tribunal allowed the application of the 1st respondent, seeking compassionate appointment on the demise of his father. The petitioners have assailed the impugned order primarily on the ground that the claim of the 1st respondent was predicated upon Railway Board's Circular No.218 of 2019 dated 30.12.2019, which provides that children born to the 2nd wife of a deceased employee are also entitled for compassionate appointment in the event of no objection on the side of the 1st wife or her children. According to the petitioners, the said Circular was purely prospective in nature and cannot be applied to deaths occurred long prior to its issuance.

7. The Circular dated 30.12.2019 is undoubtedly a welfare



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measure, designed to extend the umbrella of compassion to children of a second wife and the 1st respondent cannot be denied benefits merely because the death of the employee occurred prior to its issuance, which is nothing, but an attempt taken by the petitioners to reduce the benevolent object of the Circular. The Tribunal has granted the relief to the 1st respondent without crossing any jurisdictional limits and the order of the Tribunal was in consonance with the principle that “equity looks to the intent, not to the form”. The plea of prospective effect of the Circular raised by the petitioners cannot be sustained, when the object of the Circular was to bring solace to the family of a deceased employee. We are mindful of the fact that the compassionate appointment is meant to provide immediate succor to the family, who lost the breadwinner. Moreover, the Three Judges Bench Judgment dated 24.02.2022 (supra) is applicable to the case on hand, wherein it was held that the children born to the 2nd wife cannot be denied consideration for compassionate appointment, as justice must not only be done, but must be seen to be done.

J.NISHA BANU, J.
AND



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S.SOUNTHAR, J.

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8. In our view, the order of the Tribunal is well founded one on sound reasoning and equitable considerations. The order does not require any interference by this Court, as it has been rendered well within the four corners of law and we do not find any illegality to unsettle the order of the Tribunal. Thus, the Writ Petition is liable to be dismissed.

9. Accordingly, this Writ Petition is dismissed. The order of the Tribunal dated 27.02.2024 is hereby upheld. No costs. Consequently, connected Miscellaneous Petition is closed.

(J.N.B.J.,) (S.S.J.,)
22.09.2025

Index: Yes / No
Internet: Yes / No
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To:

The Registrar,
Central Administrative Tribunal,
Chennai Bench, Chennai.

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