



W.P.No.19115 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2026

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.19115 of 2023 and
W.M.P.No.18421 of 2023

1. Union of India,
Rep. by the General Manager,
Southern Railway, Park Town,
Chennai – 600 003.

2. The Divisional Personnel Officer,
Chennai Division, Southern Railway,
Park Town, Chennai – 600 003.

... Petitioners

Vs.

1. The Registrar
Central Administrative Tribunal
Madras Bench High Court Building,
Chennai – 600 104.

2. Smt.M.Geetha (deceased)
3. M.Ashwin Kumar

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4. M.Arun Kumar

5. M.Gayathri

...Respondents

(R3 to R5 impleaded as LR's of deceased R2 vide order dated 01.12.2025 in W.M.P.No.25571 of 2025)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the Tribunal in its impugned order dated 24.11.2022 in O.A.No.139 of 2022 passed by the first respondent and quash the same.

For Petitioner : Mr.M.Karhikeyan

For Respondents : Mr.S.Ramaswamy Rajarajan for RR3 to 5
R1 – Tribunal
R2 - died

ORDER

(Order of the Court was made by P.VELMURUGAN, J.)

Challenging the order passed by the Central Administrative Tribunal, in O.A.No.139 of 2022, dated 24.11.2022, the petitioner is before this Court with the present Writ Petition.



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2 The respondent is the second wife of the deceased, who was employee of the petitioners. She made an application requesting appointment for her son on compassionate grounds and the same was rejected by the petitioners vide communication dated 20.10.2021 on the ground that she is the second wife of the deceased employee, against which, she preferred an application before the Central Administrative Tribunal. The Tribunal vide order dated 24.11.2022 allowed the claim of the respondent by setting aside the order passed by the petitioners and directed them to consider the claim of the respondent, against which, present writ petition is filed.

3 According to learned counsel for the petitioners, the respondent is the second wife of the deceased employee. The deceased employee had worked as Pointsman'A'/CGL and died on 26.12.2003. The deceased employee, while was in service, performed second marriage with the respondent, when the first wife is alive without getting due permission from the Administration. Hence as per the Railway Board's instruction 2nd wife and her children are not entitled for appointment on compassionate grounds



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unless the second marriage is permitted by the Administration.

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3.1 Further already son of the respondent himself made representation for compassionate appointment and the Department refused the same, against which, he also preferred an application before the Tribunal and the Tribunal dismissed the same.

3.2 Therefore the claim of the respondent cannot be considered and the Tribunal failed to consider the above facts and entertained the claim of the respondent, which is liable to be set aside.

4 Learned counsel for the respondent would submit that the first wife had no issues and hence the respondent being the second wife of the deceased employee applied for the appointment for her son on compassionate grounds. The Tribunal rightly considered the status of the respondent and directed to petitioners herein to consider the claim of the respondent, which does not call for any interference of this Court and the writ petition is liable to be dismissed.



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

6 Admittedly the respondent is the second wife of the deceased employee, who had worked as Pointsman'A'/CGI in the Railway Department and died on 26.12.2003, while he was in service. After the demise of the deceased employee, the family was in indigent circumstances and hence the respondent requested appointment for her son on compassionate grounds. The petitioners rejected the request of the respondent stating that she is the second wife of the deceased employee, who performed second marriage when his first wife is alive, without getting due permission from the Department.

7 Be that as it may, as pointed out by the learned counsel for the respondent, the Tribunal given directions only to consider the claim of the respondent taking into consideration the indigent condition of the family of the deceased employee.



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8 Admittedly the first wife of the deceased employee had no issues and the respondent, who is the second wife, had three children. Now, since the family of the respondent is in indigent circumstances, she is seeking appointment for her son on compassionate grounds. The Hon'ble Supreme Court, in a special circumstances, in the case of *Mukesh Kumar & Anr. vs. Union of India*, considered the compassionate appointment for the son born through second marriage, while the first marriage was subsisting.

9 Therefore the Tribunal given directions to the petitioners to consider the claim of the respondent and pass reasoned speaking order. Further since there is no positive directions issued by the learned Tribunal and in view of the above observations, we are not inclined to interfere with the order impugned in this Writ Petition.

10 The petitioners are directed to conduct brief enquiry as to whether the respondent's family is in indigent circumstances, as contemplated under the Compassionate Appointment Scheme, if so, the



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petitioners are directed to pass orders on the claim of the respondent on merits in accordance with law within a period of one month from the date of receipt of a copy of this order.

11 With the above observations and directions, this Writ Petition shall stand dismissed. Consequently connected miscellaneous petition stands closed. No costs.

[P.V.J.] [K.G.T.J.]
26.03.2026

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To

The Registrar
Central Administrative Tribunal
Madras Bench High Court Building,
Chennai – 600 104.



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