



WEB COPY



WP No. 26637 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 26637 of 2024 AND

WMP NO. 29153 OF 2024

1. The General Manager Southern Railway
1st Floor NGO Main Road Southern Railway
Park Town Chennai-600 003.
2. The Divisional Railway manager Chennai
Division, Southern Railway Divisional railway
Manager Officer Personnel Branch MAS Divn
Park Town Chennai

..Petitioners

Vs

Manokrishna
S/o.Late.Dakshinamurthy, No.59, Plot No.3,
Dharma Thottam, 1st Street, Irumbuliyur, West
Tambaram, Chennai

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records pertaining to the Order of the Learned, Central Administrative Tribunal, Chennai Bench dated 21.02.2024 in O.A.346/2023 on the file of the Central Administrative Tribunal Chennai Bench and Quash the same.



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For Petitioner(s):
For Respondent(s):

Mr.K.Ramanamoorthy, Senior Panel Counsel
Mr.B.Gopala Krishnan for Sole Respondent

Order

(Order of the Court was made by S.M.Subramaniam J.)

The General Manager, Southern Railway preferred the present writ petition challenging the order of the Central Administrative Tribunal, Chennai Bench dated 21.02.2024 passed in O.A.No.346 of 2023.

2. The respondent is the son of the second wife of the deceased employee, who served in Southern Railway and died in service on 08.05.2003. At the time of the death of the employee, the respondent was a minor and thus not eligible to submit an application seeking appointment on compassionate grounds. After a lapse of 18 years and on attaining majority, the respondent submitted an application on 01.11.2021 seeking appointment on compassionate grounds. The said application was rejected by the Southern Railway vide proceedings dated 08.06.2022 mainly on the ground that the wards of the second wife are eligible for being considered for appointment on compassionate grounds only with effect on 28.12.2019. However, in the case of the respondent, his father expired on 08.05.2003 and therefore he is not eligible for appointment on compassionate grounds. The



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Tribunal granted the relief by allowing the Original Application. Thus, the present writ petition is filed.

3. Learned counsel for the respondent would oppose by stating that at the time of the death of the respondent's father, the respondent was a minor and therefore there was delay in filing an application seeking compassionate appointment. Respondent is the son of the second wife of the deceased employee and as per the judgment of the Supreme Court, ward of the second wife is eligible for compassionate appointment and on that ground the Original Application was allowed. The writ petition is to be rejected.

4. This Court has considered the rival submissions made by the parties to the lis.

5. Compassionate appointment is a concession and not a constitutional scheme of appointment. The object of compassionate appointment is to mitigate the circumstances arising on account of the sudden death of an employee. Scheme does not provide one appointment to the legal heirs of the deceased employee. Penurious circumstances of the family of the deceased employee is the paramount consideration and any delay in filing application will be a ground to draw a factual inference that the family of the deceased



employee was not in penurious circumstances. It is exactly the reason why the Courts reiterate that delay in filing application is a ground for rejection of application for compassionate appointment. The Hon'ble Supreme Court of India '**Central Coalfields Limited through its Chairman and Managing Director & Ors -vs- Smt.Parden Oraon**' (2021) INSC 241 made an observation as follows:

“ 8. The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis which arises due to the death of the sole breadwinner. The mere death of an employee in harness does not entitle his family to such source of livelihood. The authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied that but for the provision of employment, the family will not be able to meet the crisis that the job is offered to the eligible member of the family¹ . It was further asseverated in the said judgment that compassionate employment cannot be granted after a lapse of reasonable period as the consideration of such employment is not a vested right which can be exercised at any time in the future. It was further held that the object of compassionate appointment is to enable the family to get over the financial crisis that it faces at the time of the death of sole breadwinner, compassionate appointment cannot be claimed or offered after a significant lapse of time and after the crisis is over.”



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6. In the present case, the deceased employee died on 08.05.2023. At that time, the respondent was a minor. He filed the application seeking compassionate appointment on 01.11.2021 after a lapse of 18 years. The Railway granted the benefit of compassionate appointment to the wards of second wives only with effect from 28.12.2019 vide proceedings dated 08.06.2022, Since the policy came into effect from 28.12.2019, the cases falling prior to the cut off date, if considered, will lead to opening of a pandora's box and several such legal heirs of the deceased employees who died prior to the cut off date will also approach the authorities for compassionate appointment, which would defeat the very objective of the scheme.

7. In view of the above factual aspects and legal principles discussed, the order of the Central Administrative Tribunal dated 21.02.2024 made in O.A.No.346 of 2023 is set aside and the writ petition stands allowed.

(S.M.S.,J.) (N.S.,J.)
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Index: Yes
Speaking/Non-speaking order
Neutral Citation: Yes

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