

**Central Administrative Tribunal
Madras Bench**

MA/310/00570/2019 (in)(&) OA/310/01710/2019

Dated the 16th day of December Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

R.Mahalakshmi,
19/09 Rajagopal Street,
Old Washermenpet,
Chennai 600 021. .. Applicant
By Advocate **M/s.Ratio Legis**

Vs.

Union of India, rep by
The Chief Personnel Officer,
Southern Railway,
Park Town,
Chennai 600 003. .. Respondents
By Adovacte **Ms.Meera Gnanasekar**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The applicant has filed MA 570/19 to condone the delay of 520 days in filing the un-numbered OA claiming appointment.

2. The above OA is filed seeking the following relief:-

“....to call for the records related to impugned order No.PB/CS/30/HQ/Misc/2013 dated 10.4.2017 and to quash the same and further to direct the respondents to consider the applicant for appointment and to make further order/orders as this Tribunal may deem fit and proper and thus render justice.”

3. The applicant's case is that the applicant was travelling by Train No.16723 on 08.5.2013 and an iron rod hit on her hand while travelling in the window side and she suffered grievous injury to her hand at a place near Virudunagar. The officials had visited the site and she was given medical treatment and officials assured that she will be provided with all assistance like medical reimbursement, compensation and appointment in Railways. The applicant has become handicapped due to the said incident and now she is unable to lead a normal life. Eventhough assurance was given, the respondents did not give any appointment to her and she gave a representation. Since there was no reply, she filed OA 254/2016 before this Tribunal and this Tribunal directed the respondents to consider the representation and pass a speaking order. The respondents passed a speaking order on 10.4.17 denying the claim. According to the applicant, she belongs to a downtrodden community and she is very poor and there has taken place a delay of 520 days in filing this OA and the

said delay may be condoned.

4. Counsel for the respondents, Advocate Ms.Meera Gnanasekar, opposed the delay as well as the OA stating that there is no provision or rule or any other circular or instructions which provides for employment to victims of isolated accident. There is no *prima facie* case for the applicant. Thereafter the counsel for the applicant was directed to produce any circular or memorandum granting such a relief to accident victims in isolated accident cases and also to produce any scheme provided by the Railways for providing such an employment. The counsel for the applicant did not produce any such a scheme or order but he submitted that he has produced Annexure A7 letter of the Railway Board showing the existence of such appointments in the Railways. He has not produced any other documents.

5. We have heard both sides and it has come out that the applicant had suffered a grievous injury in an accident that took place while she was travelling in the train on 08.5.2013. According to the applicant, she was offered with employment at that time. Since the respondents failed to do the same, she filed representation and that too was not considered. She filed OA 254/2016 wherein the Tribunal has directed the respondents to consider the representation and pass a speaking order on the basis of any rules or order issued by the Railways in the year 2016. The Railways replied on 10.4.17 stating that at present there is no provision for employment of victims of train accident case in the Railways. The said reply is produced as Annexure A6 impugned order.

6. On perusal of the above records and pleadings, we find that the applicant had

accidentally suffered grievous injury while travelling in the train on 08.5.2013. She is claiming employment on the basis of the injury suffered due to the negligence of the Railways. But the applicant in this case has not succeeded in producing any scheme or order or circular which proposes to give the relief of employment in such cases of isolated accident before this Tribunal. The only document produced is Annexure A7 letter wherein it is mentioned regarding the cut off date of educational qualification for appointments in category 'D' for legal heirs of accident victims etc. which were approved by the Railway Board. On a reading of the said letter, it seems that the letter only clarifies the minimum educational qualification for recruitment and the cut off date of the said educational qualification in various cases pending in the Railways. It does not give any indication that there exists any scheme for providing employment to these types of isolated accident victims. It may be true that in some large scale death accidents the Railways might have given a scheme for appointment. But in this case there is absolutely no evidence to show such a scheme for giving employment to the victims. The applicant has also failed to bring out any circular or order which indicates existence of such a scheme in the Railways. So, the applicant in this case has failed to make out a *prima facie* case in support of her case. The applicant in this case has earlier filed OA 254/16 and the said OA was disposed off in the year 2016 itself with a direction to pass a speaking order. The respondents in consequence had passed a speaking order on 10.4.17. There has taken place an undue delay in filing the present OA. According to the applicant, she is coming from a poor background and suffered grievous injury and she could not approach as freely

as others and seeks to condone the delay. No serious objection was raised by the respondents.

7. Considering the facts and circumstances of the case, the MA 570/19 for Condonation of delay is allowed. Registry is directed to number the OA for record purposes. In view of the discussion in para 6, we are of the opinion that the applicant has failed to bring out a *prima facie* case to proceed with the OA.

8. Since the applicant failed to show any right in her favour, the OA lacks merits and it will stand dismissed in the threshold itself.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

16.12.2019

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