

**Central Administrative Tribunal
Madras Bench**

MA/310/00227/2018 (in)(&) OA/310/00521/2018

Dated Monday the 8th day of October Two Thousand Eighteen

P R E S E N T
Hon'ble Mr. R.Ramanujam, Member(A)
&
Hon'ble Mr.P.Madhavan, Member(J)

Smt. G.Geetha,
M/o late G.Selvarangan,
Plot No.11, 2nd Street,
Extension Moogambigai Nagar,
M.K.Kottai, Tiruchy 620 011. .. Applicant
By Advocate **M/s.Ratio Legis**

Vs.

1. Union of India, rep by
The General Manager,
Southern Railway,
Park Town, Chennai.
2. The Workshop Personnel Officer,
Central Workshops,
Personnel Branch,
Southern Railway,
Ponmalai. .. Respondents

By Advocate **Mr.A.Abdul Ajees**

ORAL ORDER

(Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following relief:-

“to call for the records related to impugned order No.GPB(CS)Comp.2088 dated 12.8.2016 passed by the 2nd respondent and to quash the same and further to direct the first respondent who is competent to appoint to do the necessary to consider applicant for compassionate ground appointment in terms of the mandatory provisions and to pass such other order/orders as this Tribunal may deem fit and proper and thus render justice.”

2. It is submitted that the applicant was aggrieved by Annexure A2 order dated 12.8.2016 by which the applicant's request for compassionate appointment for her married daughter was turned down by the respondents on the ground that the applicant had no liabilities/commitments left over by the deceased employee to be taken care of. Assets, income and the applicant's financial status were sound and the proposed candidate for appointment was part of an independent family and, therefore, there was no justification for the compassionate appointment, the applicant was informed.

3. Learned counsel for the applicant would submit that the relevant Railway Board Circulars allowed near relatives to be considered for compassionate appointment in the event of the deceased employee not being survived by a son or daughter. The deceased employee in this case was a bachelor and he was survived by the applicant who was his mother. She was fully entitled to propose her daughter for compassionate appointment and the impugned order had been passed without reference to the relevant Railway Board circulars, it is contended.

4. Learned counsel for the respondents would, however, draw attention to the facts contained in the impugned order which were not disputed. It is pointed out that the applicant was receiving a family pension of Rs.15,379/- per month consequent on the death of her husband. Additionally, she had been sanctioned a second family pension of

Rs.7,875/- consequent on the demise of her son on whose death she is now seeking compassionate appointment. Accordingly, she was getting a sum of Rs.23,254/- per month in terms of the pre-revised scales as on the date of the impugned order ie., 12.8.2016. It is submitted that the family pension and the second family pension paid to the applicant had been substantively increased following the implementation of the Seventh Pay Commission recommendations. Now the applicant is being paid over Rs.36,000/-p.m., it is submitted.

5. We have considered the facts of the case. It is not in dispute that the deceased employee was a bachelor and the applicant is the mother of the deceased employee. No other member of the family remains to be taken care of. As the applicant is earning adequately by way of pension and her daughter is married, well settled and earning an independent income, we are of the view that the respondents have correctly rejected the request of the applicant for compassionate appointment of her daughter.

6. OA is devoid of merits and is dismissed. Consequently MA for condonation of delay of 233 days in filing the OA stands dismissed. No costs.

(P.Madhavan)
Member(J)

08.10.2018

(R.Ramanujam)
Member(A)

/G/