

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01354/2017

Dated Tuesday the 4th day of September Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

Smt. Panjalingam,
No. 57, Gandhi Lane II,
Palani Road,
Udumalaipet 642126.

....Applicant

By Advocate M/s. Ratio Legis

Vs

1.Union of India rep by,
The General Manager,
Southern Railway,
Park Town, Chennai.

2.The Sr. Divisional Personnel Officer,
Madurai Division, Southern Railway,
Madurai 16.

....Respondents

By Advocate Dr. D. Simon

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 dt. 18.06.2015 passed by the 2nd respondent and the consequential representation and to quash the impugned order and further to direct the respondents to appoint Smt. P. Arulmozhi on compassionate grounds in terms of the mandatory provisions and to pass such other order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice. "

2. It is submitted that the applicant is aggrieved by Annexure A1 order dt. 18.06.2015 by which her request for appointment on compassionate grounds of her daughter Smt. P. Arulmozhi had been rejected on the ground that there was no dependency established in the case of her married daughter. Learned counsel for the applicant would draw attention to Annexure R1 circular of the Railway Board by which a married daughter would be eligible for compassionate appointment if the General Manager was satisfied that she would be the bread winner for the bereaved family. The applicant had made the request as she was satisfied that her married daughter would take care of the family comprising of herself and one P.Anita. As such, the respondents ought to have examined the merits of the claim and assessed the financial condition of the family before rejecting her claim.

3. Rejection of a claim for compassionate appointment merely on the ground that the person for whom compassionate appointment is sought is a married daughter and no dependency was established would be arbitrary, it is contended. Dependency is not a factor relevant for the purpose of examining whether such a

person would take care of the family or not, it is alleged. Further, neither in the impugned order nor in the reply have the respondents alluded to any evidence that the married daughter for whom the compassionate appointment was sought would not look after the family.

4. Learned counsel for the respondents would, however, submit that while a married daughter would not be ineligible to be granted compassionate appointment, the relevant Railway Board orders clearly stipulated that the General Manager must satisfy himself that such married daughter would be a bread winner for the bereaved family. No evidence had been produced by the applicant that the said P. Arulmozhi would take care of the family which comprised of the applicant and Ms. P. Anita only. The applicant had been granted terminal benefits and family pension and, therefore, there was no case for appointing the married daughter to take care of the family. He would further submit that even the sole remaining unmarried daughter, Ms. Anita had been married since and the family is now left only with the applicant.

5. I have considered the facts of the case. It is not in dispute that at the time of the applicant's request for compassionate appointment for her married daughter, Smt. P. Arulmozhi, the family comprised of the applicant and P. Anita. It is also not in dispute that a married daughter is not ineligible for compassionate appointment if it is otherwise established that she could take care of the family. I am therefore of the view that the competent authority ought to make an assessment of the financial condition of the family in accordance with

the procedure laid down for the purpose before arriving at a conclusion whether the family deserved support in the form of compassionate appointment or not. Since, there is no evidence of such procedure having been followed and the request for compassionate appointment was rejected merely on the ground that the person for whom compassionate appointment was sought was a married daughter and there was no dependency, Annexure A1 communication dt.18.06.2015 is quashed and set aside. Respondents are directed to process the claim in accordance with the scheme for compassionate appointment and the procedure laid down thereunder and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

6. OA is disposed of. No costs.

(R. Ramanujam)
Member(A)
04.09.2018

SKSI